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THE HONOURABLE

HENRY ERSKINE

Εἰς δ' εὐγένειαν ὀλίγ' ἔχω φράσαι καλά.
ὁ μὲν γὰρ ἐσθλὸς εὐγενὴς ἔμοιγ' ἀνήρ,
ὁ δ' οὐ δίκαιος, κἂν ἀμείνονος πατρὸς
Ζηνὸς πεφύκῃ, δυσγενὴς εἶναι δοκεῖ.

—EURIPIDES.

". . . A worthy man,
That from the tyme that he first bigan
To ryden out, he lovede chyvalrye,
Trouthe and honour, fredom and curtesie."

—CHAUCER.



Painted by H. Raeburn.

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The Honorable HENRY ERSKINE.

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THE HONOURABLE

HENRY ERSKINE

LORD ADVOCATE FOR SCOTLAND

WITH

NOTICES OF CERTAIN OF HIS KINSFOLK AND OF HIS TIME

COMPILED FROM FAMILY PAPERS AND OTHER SOURCES OF INFORMATION

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BY

LIEUT.-COLONEL ALEX. FERGUSSON

LATE OF THE STAFF OF HER MAJESTY'S INDIAN ARMY

"The Independence of the Scottish Bar"

WILLIAM BLACKWOOD AND SONS
EDINBURGH AND LONDON
MDCCCLXXXII

1882

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TO

CAROLINE,

COUNTESS DOWAGER OF BUCHAN,

DAUGHTER-IN-LAW OF HENRY ERSKINE,

AND TO

AGNES ELIZABETH FERGUSSON,

ONE OF HIS GREAT-GRANDDAUGHTERS,

This Volume

IS INSCRIBED.

TO THE READER.

THE Life of a great advocate should—it is thought—to deserve the name, furnish, by means of speeches, letters, or other writings, a view of his opinions, motives of action, and thoughts upon important topics incident to his career. In the case of Henry Erskine there is scarcely evidence enough of this sort available; consequently it is of set purpose that this book has not been called a "Life."

Mr Erskine did, it is believed, make a collection of such things as might serve for a biography, but after his death these were not to be found. A similar fatality would appear to have befallen much of the documentary evidence that, unquestionably, existed at one time, and would have been of use in this matter, which has been one of interest to many besides Scotch lawyers, any time during the last sixty years.

Lord Jeffrey would fain have seen a life of his friend and patron put in shape; and on one occasion when the late Lord Buchan visited him at Craigcrook was urgent that the matter should be taken in hand, promising that he himself would render all the assistance in his power.

It is much to be regretted that the suggestion was not acted upon, and such help secured. This was some forty years ago; and it is certain that much valuable material available then is not in existence now. This much has been established by recent inquiries.

The late Lord Buchan (Mr Erskine's son) never lost sight of the idea that a memoir of his father should be written, and with this view, from time to time, recorded with much care and detail facts concerning his father's life, professional career, and incidents connected with the Erskine family generally, till a very extensive collection of notes is the result. It is this MS. volume that forms the chief basis of the following memoir, which has been undertaken with the view of carrying out the wish of the Dowager Countess of Buchan, Mr Erskine's daughter-in-law, especially, that the materials collected by her husband should, even at this late hour, be applied to the purpose he had at heart. Without such *data* it would have been very difficult to produce even such an imperfect sketch as is now presented.

When it became known that it was contemplated to attempt a sketch of Henry Erskine's career and his time, other materials were freely offered, the existence of which had not been suspected; amongst these is a MS. volume—which had belonged to the late Charles Kirkpatrick Sharpe—by Sir David Erskine, Kt., who, having had access to the old documents, etc., of the Erskine family, very faithfully transcribed many of them. This collection, lent by the Rev. W. K. R. Bedford, Mr Kirkpatrick Sharpe's nephew, has been made use of in the introductory part of this book.

From Arniston was sent, with much kindness, by

Mrs Dundas Durham of Polton, another volume, chiefly of letters of later date, which has been quoted under the title of the *Polton MS.*

A continuation of the same correspondence came unexpectedly to light at Coltness in the course of search for material, and was obligingly lent for the purpose of this work. This has been cited as the *Coltness MS.*

In order to present a picture of the times in question, and especially of the close of the 18th century,—which a distinguished writer has said "came to an end only about 1825,"—certain of Mr Erskine's kinsfolk have been described with some minuteness, notably his sister, "the good Lady Anne Erskine;" and her aunt and correspondent, the eccentric but clear-headed "Aunt Betty" of Coltness, with her old-world and fantastic theology. In their strength as well as in their weakness, the opinions of these excellent women are characteristic of the age, and of the Erskine family in those days; and so have been deemed worthy of notice.

Further than to furnish details little if at all known previously, it has not been thought necessary to discuss with any minuteness the life and career of Lord Erskine, these having been, on the whole, well and fully dealt with by Lord Campbell in his *Lives of the Chancellors.* Several facts now given do indeed modify some of the statements regarding the Erskines made in that great work; and it is with considerable regret that the present writer finds himself on more than one occasion at issue with Lord Campbell on points of fact connected with the Scotch relatives, and early days, of Lord Erskine. An explanation of the cause of this seems to

be afforded by Lord Campbell himself, when he writes, under date January 5, 1846, that after having completed and abandoned some of the early *Lives*, "in the first week of November" he resumed the work, re-writing all he had before done, and "by the 30th of August the whole was printed."[1] It is thus obvious that there could have been no time to spend on individuals and circumstances collateral to his principal characters; and as Henry Erskine and his career were of these, the facts regarding them, and Scotch affairs generally, as given in the *Lives*, are not always quite accurate. If Lord Byron was correct in thinking that, "anything in Lord Erskine's handwriting will be a treasure gathering compound interest from years," the relics of the Lord Chancellor now given will not be unacceptable.

The details of the "affair of the Deanship" will be chiefly interesting to gentlemen connected with the law. The facts of this incident, memorable in the history of Mr Erskine's career, and in the annals of the Faculty of Advocates, are understood to be fully stated, now, for the first time.

Though few letters written by Mr Erskine remain, there are very many of those addressed to him, from which a tolerably large selection has been made: of his brother, Lord Buchan's, correspondence, the "gentle" and dignified letters of H.R.H. the Duke of Kent will certainly be read with interest.

There are, no doubt, many who will expect to find in a memoir of Harry Erskine a *Banquet of Jests*, and little more. The good stories *said* to be connected with him are legion. Many of these, believed to be authentic,

[1] See *Correspondence of the late Macvey Napier, Esq.*, p. 516.

will be found here; but it will be remembered that the most effective retort Mr Erskine ever received—for the moment appalling him—was when he asked a friend where he had picked up a certain joke, and was answered —"From a new book just out, called *Every man his own Harry Erskine.*" It would be a cruel fate that should make of his biography such "a work."

Amongst those who were most anxious that, even thus late, a memoir of some kind of Harry Erskine should be compiled, was the venerable Dr David Laing, of the Signet Library, Edinburgh. He would listen to no argument against it. Had he been forty years younger—he said—he would have undertaken the matter himself; and was very urgent that it should be taken in hand by the present writer. "Only begin," he said, "and you will find plenty of material." The personal assistance which the kind old man promised, and which would have made this book more worthy of being placed in the reader's hands, was never given, for he died before the work had been well begun.

To the fascination of Henry Erskine's name, even in this age, which Mr Laing spoke of, must be attributed the interest, help readily offered, and kindness shown, by persons literally of every class; besides many of the Erskine family. Amongst those to whom thanks are specially due are: Lady Elizabeth Cust; Viscountess Ossington; Mrs Dundas Durham of Polton; Mrs Frederick A. Milbank; Mrs Houldsworth of Coltness; Miss Cathcart of Auchendrane; the present Duke of Portland; the Earl of Zetland; the Earl of Mar and Kellie; the Hon. Henry Moncreiff; Mr Æneas Mackay; Mr J. S. Blackie; Mr R. C. Jebb; Mr Samuel Rawson

Gardiner; Mr P. G. Hamerton; the Rev. W. K. R. Bedford; the Rev. Dr J. F. S. Gordon; Mr R. R. Stodart, the most courteous Lyon-Depute; Mr W. B. Hole, A.R.S.A.; and Surgeon-General J. Irving. Thanks are also due to Mr John Small of the Edinburgh University Library; Mr J. T. Clark, Keeper of the Advocates' Library; and to the Faculty, for interesting information derived from their Minutes, and MSS. in their possession; and to Mr Robert Adam, City Chamberlain.

A word of acknowledgment must also be said regarding the accuracy with which MM. Goupil and Co. of Paris have reproduced on a smaller scale, by their process of Photo-gravure, the somewhat scarce mezzotint portrait of Mr Erskine, after Sir Henry Raeburn.

A. F.

LENNOX STREET, EDINBURGH,
May 1882.



ROYAL BOMB... BRAN... OF T... AVIATI...

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HENRY ERSKINE.



CHAPTER I.

PART I.

INTRODUCTORY—THE ERSKINES OF OLD—JOHN, EARL OF MAR—ESME STUART, LORD D'AUBIGNY AND DUKE OF LENOX—CATHERINE DE BALSAC—MARIE STUART—"JOCK O' THE SCLATES"—COUNTESS OF MAR—MARY DOUGLAS, COUNTESS OF BUCHAN AND JAMES ERSKINE—LADY MAR'S "HOUSEHOLD BOOK."

AT the period when Henry Erskine was at the height of his reputation as a lawyer, and a chief of a great political party, the claims of the old nobility to be the natural leaders of the people had by no means become obsolete. On the contrary, it has been alleged that in his time, even when political excitement was at its highest, the hottest of English reformers of Westminster, and elsewhere, would never listen to demagogues of their own class, so long as they had a chance of being harangued by *gentlemen*. This feeling, from national temperament, a tardy civilisation, or whatever other assignable cause, was stronger in Scotland, by many degrees. Indeed it is not too much to say, that "Harry Erskine" would not have been what he was to the people of Scotland, had he not been distinguished by a descent from an ancient and noble race, in

addition to the other gifts which recommended him to their affections.

The idea that every man is, in some degree, what his ancestors have made him, was in no way contradicted in his case. For all his Whig opinions—and what these might mean in the age in which he lived it will be attempted to show in subsequent pages—he was not insensible to the fact that he was come of an ancient and honourable family; nay, he would refer, on occasion, with unaffected simplicity to his descent from a noble line of ancestry, but there was nothing petty in the feeling. It was rather that sense of responsibility, which is not the least of the inheritances which honourable "forebears" hand down to their successors.

Those who agree with Sainte Beuve, that a man who has distinguished himself above his fellows should be followed up in his ancestors, will not, perhaps, think it inappropriate if a very brief outline, within the limit of a few pages, more personal than historical, of certain of those forebears of Henry Erskine is given here; especially as there is not, so far as I am aware, any work which supplies a detailed history of the "long-descended Erskines," to which the reader might be referred.

It is hardly necessary in such a survey to go back to remoter periods, seeing that by reason of an unfortunate necessity, a discussion, still going on, has caused the early history of this family to be better known, probably, than that of any other in Scotland.

Had Lord Campbell, for example, lived in these days, he would hardly have ventured, while quoting the oft-repeated saying of Lord Hailes, that the early history of the dignity of Mar is lost in the grey mists of antiquity, to infer that the Mar family and the Erskines were always identical.[1]

With one exception, there is scarcely a vicissitude that can be named which has come upon any Scottish family that has

[1] See *Lives of the Chancellors*, 4th ed., vol. viii. p. 224.

not befallen these Erskines; nor are there many of the great events in the history of this land in which they have not borne conspicuous parts. They fought and gave their lives ungrudgingly for their country, when there was need; when patriotism was for a time at a discount, they followed the fashion of the day; while they were ever ready to use their swords at their sovereign's command, they had frequently to use their wits, no less sharp, for their own preservation. Whenever an embassy to England, or to France, was needed, these ready wits were in request. The head of the family took the side of King James against the rebel lords at the battle of Sauchieburn. Robert, third Lord Erskine, fell at Flodden, along with four other gentlemen, his kinsmen, namely, the grandfather, father, uncle, and grand-uncle of John Erskine, the Laird of Dun. The grandson of that lord, the Master of Erskine, was killed at Pinkie. In more recent times, for their rightful king, as some of them thought, they lost their titles and their all—they might have lost more.

But through all these changes and chances, it seems that their fidelity was so well assured, that through *five generations* a trust was reposed in them, such as, probably, cannot be paralleled in the annals of any other family, or country, namely, the almost hereditary custody of the heir to the throne during his nonage. Possibly their connection by birth with the royal family was also taken into consideration in this singular arrangement, Thomas, first Lord Erskine, having married a grand-daughter of King James I.[1]

Alexander, second Lord Erskine, was intrusted with the keeping of King James IV. in his youth. John, fourth lord, had the care of the young King James V., and went to treat regarding the king's marriage; and on his death was constituted keeper of the queen's person; he also conducted her safely back to France.

John, fifth lord, had the infant Prince James at his birth

[1] See *Douglas' Peerage.*

committed to his care by Queen Mary, and kept his charge in spite of Bothwell's efforts to the contrary.

In 1595 Prince Henry was formally given into the safe keeping of Lord Mar, by warrant under the king's own hand; and John Erskine would not suffer even the mother of the prince to have access to him.

It was during the reign of King James VI. that the family of Erskine, with whom this narrative has concern, branched off from the main stem: it is not necessary to discuss with any detail the history of the house before that time.

On the death of the Regent Mar in 1572, the care of the young king naturally, as it would appear, devolved on the Erskine family. The Parliament intrusted his safe keeping and education to a Commission, consisting of Sir Alexander Erskine of Gogar, the late Regent's brother, Adam and David Erskine, and Master Peter Young. Under the supervision of these, the immediate direction of the young king was in the hands of the Countess of Mar, who had already shown her devotion to the Stewart family by suckling the royal infant, and afterwards continuing her charge of him, as nurse and "*governante*," under the Regent's authority.[1]

In accordance with this arrangement, a small class was formed under the famous George Buchanan, to the great advantage of the young king's education, consisting of Lord Mar, with his cousins, Alexander, Thomas, and George Erskine, the sons of Erskine of Gogar, with some other relatives of the House of Mar. Of these, the king's class-fellows, Alexander Erskine was killed at the surprise of Stirling Castle in 1578. Thomas, who became a favourite of the king, and was sup-

[1] There was long preserved amongst the archives of the Mar family at Alloa House, the original of the charge by the Estates of Parliament to Sir Alexander Erskine of Gogar, for the safe keeping of the young king, and of Stirling Castle: "His Hienes continuing as afore under the noriture of the lady Countess of Mar, his majesties governante, as towards his mouthe and ordering of his person;" while his "education in literature and religion" were to be the care of "Maisters George Buchanan and Peter Young, his present pedagogis."

posed to have saved him from assassination in the Gowrie Conspiracy, was made Viscount Fenton and Earl of Kellie, and, after the king went to England, a Knight of the Garter.

Though there was the strongest affection between John Erskine and the young king, without doubt the troubles which marked the youth of James VI. suggested the idea that his head would lie easier if he had some one of his own kindred in whose fidelity he could rely, to be about him, and to afford him disinterested support. In September 1579, at the express invitation of James, his cousin Esme[1] Stuart, Lord d'Aubigny, came over from France on a visit to the king. Nominally his visit was for the purpose of enabling him to look after certain property belonging to the Lenox family, in which he was interested. It was, however, suspected that he came as an emissary of the Guise party, to attempt a movement in their favour.

The father of this Esme Stuart was John Stuart, fifth Lord d'Aubigny, Captain of the Scots *Gens d'Armes* in France, and younger brother of Matthew Stewart, twelfth Earl of Lenox, father of the unfortunate Henry, Lord Darnley. Thus it will be seen that Esme Stuart, being the first cousin of his father, is described by James VI. as his own "neir and deir" relative. The lordship of Aubigny had been granted by Charles VII. of France to Sir John Stewart of Darnley, in gratitude for his services in the wars against the English, and was henceforth held by a younger son of the Stewart-Lenox family, of whom he was the ancestor.

It is evident from several entries in the accounts of the Lord High Treasurer of Scotland, that there had been in the previous reign much friendly intercourse between the Scotch king and his French relatives, so that Esme Stuart did not come as an absolute stranger.[2]

[1] This name was of old pronounced *Aimé*. Thus Crawfurd of Drumsoy in his *Memoirs* says—"This gentleman's name was *Aymie* Stuart." Père Anselme writes, "*Edme* Stuart, Comte de Lenox."

[2] "1532. 19 Jac. V.—*Item.*, To Johne Bog, passand with certane Horsis and

The provision which King James made for the support of the dignity of his "neir and deir cousing," is detailed in a "royal signature" of date about October 1579, one of the most interesting of the documents recently brought to light in Mr Fraser's valuable work, *The Lennox*. The object of the letter[1] was to install Esme in the position of Commendator of the Abbey of Aberbrothock.

The king was also desirous that his cousin should be established in the Earldom of Lenox, which James himself had inherited on the death of his grandfather, the Regent Lenox, but which had been granted, during his minority, to his uncle Charles Stewart. From him it was not allowed to descend to his unfortunate daughter, Arabella Stewart, but was given to the king's grand-uncle Robert, Bishop-elect of Caithness. This dignity, along with the Priory of St Andrews, James induced the Earl, in 1579, to resign in favour of Esme Stuart, in exchange for the Earldom of March. Two years later, Esme was advanced to the dignity of Duke of Lenox.

Throughout the vicissitudes of these troublous times, the king seems never to have lost his regard for his cousin, not

Hundis send be ye Kingis grace to Madame Dobinze, to his expensis ijcxl frankis." Many other payments appear in the accounts for dresses, provision for the horses, and "iiij doggis to my Lord Obinze."—Pitcairn, vol. i. p. 337.

[1] Thus the letter runs: "Our Souerane Lord vnderstanding that his hienes deir cousing Esme Stewart off Obeynie in France, hes for the guid, feruent, and naturall affectioun quhilkis he hes borne and beris towartis our said Souerane Lordis persoun, honour, estait, and commoun weill off his realme and liegis thairoff vpon grit danger of his lyfe, with grit chargis, expensis to the hurt of his leving in France, his wyff and childrin cumand throu the seis to weise our said Souerane Lord, and to await and attend vpon his seruice: Thairfoir his hienes according to his deutie, being of guid will and mynd to gratifie his said cousing anentis the premiss and to giff occasioun to him to continew and perseweir in his guid will and seruice to his hienes in tyme cuming ordanis, with auise of his secreit counsale, ane lettre to be maid vnder his hienes grit seill in the mair forme to the said Esme Stewart of Obeny, his hienes neir cousing foirsaid off the gyft off his hienes benefice and abacie off Abirbrothok . . . as geve he had bene provydit thairto be bullis and prouisionis in the Court of Rome. . . ."—Vol. ii. p. 279.

even when his fall came, and he was forced by pressure of the Protestant party, and the success of the Raid of Ruthven, in which the Earl of Mar bore a prominent part, to flee to France, where he died suddenly—some said he was poisoned—in 1583.

The king's goodwill was further shown by his haste to call over from France the children of Esme Stuart, and his anxiety to place himself in the position of their parent. The Duke of Lenox had married in France a lady of a very ancient and noble family in Auvergne, Catherine de Balsac (whose ancestor, as well as her husband's, had been active against the English in the time of Charles VII.), sister of Francis de Balsac,[1] "Seigneur d'Entragues, Marcoussis, et de Malsherbes." Their father, the lord of these possessions, had fallen mortally wounded at the battle of Renty in 1555. The royal signature of James, quoted above, relates that Esme Stuart had left his family in France; there is no evidence that Catherine de Balsac ever came to Scotland. She seems to have been an estimable person, and is described as a very "religious" lady, who gave a "noble education to her son," young Esme, Lord d'Aubigny.

The last we hear of the Duchess of Lenox is that her grandson, the young duke, went to visit her in 1630,[2] and that on account of his "grandmother's great years and weakness," the young Lord d'Aubigny desired to defer his acceptance of an invitation of Charles I. to come to England.

The lineage of Catherine, first Duchess of Lenox, was so remarkable, combining a descent from several of the most august houses of Italy and France, including the lines of Visconti, Dukes of Milan, Della Scala of Verona, Doria of

[1] "*Balsac*, petite ville à deux lieux de Brionde, a donné le nom à cette maison. Jean de Balsac, Sieur d'Entragues ayde le Roy Charles VII. de tous ses biens contre les Anglois."—*Le Palais de L'honneur*, par Père Anselme de la Vierge Marie (Paris—1664), p. 331.

[2] Letter of Edward Dacres (probably the young duke's chaplain), dated 23d September 1630, quoted by Lady Elizabeth Cust in her excellent pamphlet *The Duke of Lenox and Richmond of Cobham Hall* (London—1878), reprinted from Archæologia Cantiana, vol. xii.

Genoa, as well as the Bourbons and De Rohans of France, that it has been thought advisable to show these details in a "table" which will be found farther on in this book. The foreign portion of this "tree" is the work of the Lady Elizabeth Cust, daughter of the present Earl of Darnley. It is the result of careful study, and is characterised by the extreme accuracy which distinguishes all the researches of Lady Elizabeth. Scotch historians have done little more than mention the name of the first Duchess of Lenox; it has therefore been considered desirable to ask attention to the very remarkable facts connected with the heraldry and family history which Catherine de Balsac and her children were the means of introducing to Scotland, and which, it is believed, will be found new, even to persons well acquainted with such things, and certainly by nearly all of those who, by descent, are entitled to an interest in the matter; but out of consideration for the uninitiated, the curious story has been relegated to an Appendix.[1]

With regard, however, to the imposing scheme of genealogy unfolded, the remark of an eminent authority in Scotland in this branch of knowledge may perhaps be cited, namely, that there seems in this remarkable case to be no scope for the ingenious art of pedigree-making, seeing that all the descents quoted are *known* and *historical.*

The portrait of the Duke of Lenox has been drawn by Mr Froude in the blackest of colours in regard of his intrigues and perfidy.[2] No man was more deeply imbrued in the complications of that troublous time, when even the good Lord Treasurer Mar himself could only stand his ground by meeting stratagem with stratagem. But the historian's own narrative hardly bears out the darker suggestions regarding Esme Stuart's character, any more than it does the statement that he appears

[1] See Appendix No. I.

[2] "The character of Lennox is of little moment to history, . . . so insignificant a wretch," &c.—See *History*, vol. xi. p. 532. Robertson describes him as gentle, humane, candid, and deserving (vol. ii. p. 81).

"insignificant" in the history of the period. All the old Scotch records of the time, and the letters in the Cottonian collection bearing on the period, show that the word is inappropriate as applied to Esme Stuart; while the latest narrative of that eventful age, namely, Mr Leader's *Mary Queen of Scots in Captivity*, with its ample authorities, may be cited to show that, during the last stages of his troubled life, the influence of the Duke of Lenox was felt not only in Scotland, but in England, France, Italy, and Spain (p. 499 *et seq.*)

The representation of the Stewart-Lenox family, whose chief inheritance was one of misfortune and violent death, as well as of the ducal line commenced by Esme Stuart, ultimately devolved upon Charles II. He was in due course served heir to the estates attached to the dukedom, according to the old Scotch law process, by which the "macers," or servants of the Courts are, for the moment, intrusted with the authority of sheriffs, for the purpose of impartially awarding property to the rightful heir. In this case fourteen of the Lords of Session sat as a jury.

The heir of line of this ancient house is the Earl of Darnley in the Peerage of Ireland, whose right to represent the old Dukes of Lenox is believed to be unquestioned.[1]

A descent, in the female line, from persons of the royal family, it may be added, is very common in Scotland. Byron, it will be remembered, felt not a little pride in the royal blood in his mother's veins, and in his own. This is referred to in the Notes to the *Hours of Idleness*. It was the fact of the close connection of Esme Stuart and his children with the king at the moment upon the throne that was remarkable, and that bore upon the fortunes of this family.

Immediately on the death of Esme, as has been said, King James sent to France to bring over his children. Only Ludovic, who was thirteen years of age, was considered old enough

[1] It is perhaps hardly necessary to say that the modern dukedom of Lennox, the origin of which in the time of Charles II. is given in the peerage books, is distinct from this dignity.

to be sent. Some years after, the others, the Ladies Henrietta and Marie, were brought over, the Lady Gabrielle preferring to stay in France and take the veil, although King James had arranged a marriage for her with the Earl of Eglintoun. The eldest daughter married, with the king's consent,[1] George, Marquis of Huntley. But it is with the Lady Marie we have concern.

John, Earl of Mar, had married Anne, daughter of Lord Drummond. She died not long after her marriage, leaving one son, the heir to the ancient earldom.

So it fell out that when the Lady Marie Stuart, the young and *piquante* French beauty, arrived in Scotland, one of the first conquests she made was that of the Earl of Mar. He in due time told his tale, but was received with certain "whalebone airs" and scant courtesy by the young lady. The "winged wag" had seldom managed to make such sport of a fond lover: John Erskine, it is recorded, took to his bed, never expecting to rise from it. In this sad plight he was visited by the king, to whom, "with watered eyes," he opened his grief, and his sufferings at the hands of

> "A ladye soe coy to wooe,
> Who gave him the asse so plaine."

The king, grieved for his schoolfellow's case, poured into his green wounds drops of the heaven-given oil of sympathy, with the comforting words, "Be my saul, Jock, ye shanna dee for ony

[1] In the next reign a disregard of the king's views in such a matter by the ladies of this family was apt to lead to serious consequences, as is shown by Lady Elizabeth Cust. Katherine Duchess of Lenox gave mortal offence in the spring of 1626 by allowing her eldest daughter, Lady Elizabeth Stewart, to marry young Lord Maltravers, son of the Earl of Arundell, without the king's "consent." Charles had arranged to marry her to the eldest son of the Earl of Argyll. Arundell was sent to the Tower on the 6th March, and remained there till June (*Domestic State Papers, Charles I.*, vol. xxii. No. 40). The Duchess of Lenox was "restrained" for about six months (ibid., vol. xxxix. No. 56), and the young couple were imprisoned several weeks in Lambeth Palace (*Court and Times of Charles I.*, vol. i. 86).—See *Duke of Lenox and Richmond of Cobham Hall.*

lass in a' the land." His "Hieness" proceeded to read his saucy young kinswoman a lecture. But the young lady, it appeared, had very clear reasons for her conduct, and with great forethought explained that the Earl of Mar had already a son and heir, and that, in fact, "Anne Drummond's bairn would be Earl of Mar, but that hers would be just Maister Erskine." Such an argument was unanswerable. The king admitted that he must needs look to it, and promised to do so much if she would listen to his commands regarding his good friend, "Jock o' the Sclates." This was the name given by King James to his class-fellow, from his having been intrusted by George Buchanan with a *slate*, whereon to record the misdeeds of the royal pupil during the pedagogue's absence.

Lord Somerville and others are hardly correct in speaking of Lord Mar as an old man at this time. He was little more than thirty. A family tradition exists to the effect that the Earl of Mar, though he was as active as his master in the suppression of the black arts, had at this time listened to the professions of an Italian necromancer, from whom he had received a limning of a lady which should show the features of his future wife. Mar thought he observed these lineaments in the beautiful daughter of the Duke of Lenox. His grief and anxiety at the failure of his suit, were intensified by an ill-omened accident of appalling significance. On first getting sight of his destined bride, he had despatched a messenger in hot haste from Stirling to Alloa Tower to bring the picture the Italian had given him, that a comparison might be made. But the awkward varlet dropped it in the mud, and in attempting to clean the besmeared countenance, rubbed it out. Hence those tears; but all was well in the end.

The characters of the Earl of Mar and his wife have been very unfavourably drawn by James, eleventh Earl of Somerville (who was not, however, a contemporary by some sixty years) in the MS. account of his family which he left, entitled a

Memorie of the Somervilles, and which was edited by Sir Walter Scott. Thus he writes:—

"John, Earl of Mar, by the death of his lady being a widow[1] marryes for his second wife Dame Marie Stewart, sister to the Duke of Lenox; who, being of a howtie spirit, disdained that the children begotten upon her should be any wayes inferior either as to honour or estate to the children of the first marriage. She leaves nae meanes unassayed to advance their fortunes, how warrantably and justly I shall not say; the Lords Livingston, Elphingston, Torpichen, and the present Earle of Marre, can best testify, whose estates this lady went near to have ruined, as she wholly did that of Lord Somerville." The narrative of the transaction alluded to, as given by Lord Somerville himself, anything but corroborates this statement of unfair dealing, which, moreover, his editor asserts, is not borne out by the facts adduced. His opinion is founded upon certain transactions of a very complicated nature regarding a loan of money, and the sale of Somerville's property, including a matrimonial alliance between the families, in none of which does Sir Walter Scott think there was ground for complaint, but, he adds, much allowance should be made for the natural irritation of a man the patrimony of whose house had been lost to him through these complications.

An engagement had been entered into for James Erskine, the eldest son of Marie, Countess of Mar, with the daughter of Lord Somerville, contingent on many circumstances. The youth, who was at his studies at St Andrews, craved delay in order to complete them, and to make the usual tour of Europe. This, says Lord Somerville, was "but meer jugling for her son, for within a few months after, he was married to the heiress of Buchan, and had the earldom thereof for

[1] It has been noticed that this form, very common in old Scotch writings, properly represents the Latin *viduus*, while *vidua* would be rendered by the term "widow-woman."



Marie Stewart

1643

her tocher."[1] Though Lord Somerville says the youth was sixteen at the commencement of these negotiations, there is reason, says Mr Kirkpatrick Sharpe, to suppose he was in reality only *nine*. Of the young lady, who was but *fourteen*, her kinsman writes: "The delicacy of her person and the sweetness of her disposition made her enjoy two husbands before she attained to the twentieth year of her age." These were, first, James, Lord Torphichen; secondly, William Douglas of Pumpherston.

King James bore no ill-will to his friend and foster-brother by reason of the misunderstandings that took place in the struggle of the rival factions, knowing well, as he himself has written, that "We are of all nations the people most loving and most reverently obedient to our prince, yet are we (as time has often borne witness) too easy to be seduced to make rebellion upon very slight grounds."[2]

The king gave letters of indemnity to Erskine to cover all bygones; he, moreover, created for his behoof the Lordship of Cardross,[3] formed from lands anciently held by his "forebears."

[1] *Memorie*, vol. ii. p. 78.

[2] *Counterblast; Ad lectorem.*

[3] The Lordship of Cardross was formed from the Abbacies of Dryburgh and Cambuskenneth and the Priory of Inchmahome. The charter to Lord Mar in 1606 details the services of the Earl of Mar himself, and the fidelity "quhairof he and his vmq^le^ father gaif evident and manifest pruif and experience in thair worthie, memorable, and acceptable panis and travellis tane be them In the educatioun of his maiesties maist royall persone fra his birth to his pfyte Age: and in the lyk notable seruice done be ye said Erle himself in the educatioun of his Ma^teis^ darrest sone ye prince." The charter gives further reasons for the grant—"And thairwith considering that the saidis Monastereis haue bene in all tyme heirtofoir commounlie disponit be his Ma^teis^ predecessors to sum that wer cum of the hous of erskeyne."—*Acts of the Scottish Parliaments.* The allusion is to Adam Erskine, Commendator of Cambuskenneth, natural son of Thomas, Master of Erskine; and David, first Abbot and afterwards Commendator of Dryburgh, natural son of Robert, Master of Erskine, killed at Pinkie (elder brother of Thomas) from whom Ralph and Ebenezer Erskine, the famous Scotch seceding ministers, were descended. Lord Erskine's third son, John, was "Commendator of Inschemachame," and on his father's death (1553) was appointed Governor of Edinburgh Castle.

The charter bears testimony to the many services of the Erskines to the royal family, and grants to John Erskine the unusual right of conferring the title to any one of his *male* descendants he might think fit. Consequently, in his lifetime, he gave this dignity to his third son, Henry. The elder being heir to the earldom of Mar, and the second, James, already, by his marriage, Earl of Buchan.

Marie Douglas, the young lady whom James Erskine married, was Countess of Buchan in her own right, and was in the enjoyment of the title and lands of Buchan, to which she had succeeded on the death of her father in 1601. This very ancient dignity, after having passed through many hands, and having been held by members of the royal family, was conferred by the king upon James Stewart, second son of the Black Knight of Lorn, by Jane Beaufort, Queen of Scotland, and mother of James II. Their descendant, Christian Stewart, when her father fell at Pinkie, in 1547, became countess in her own right, and conferred the title upon her husband; Robert Douglas of Lochleven, much in the same way as her great-grand-daughter, Marie Douglas, did on *her* husband, James Erskine, while she was still under age, about the year 1615.[1] The process, so common in Scotland in those days, one the propriety of which has been questioned, was gone through, namely, of resigning into the hands of the sovereign the dignity and lands, with a view to their being regranted with a different destination. King James had thus an opportunity of redeeming, at an easy rate, the promise made to his cousin Marie, Countess of Mar, that *her bairn* should fare as well as Anne Drummond's. Thus James Erskine became sixth

[1] A portrait appears in the *Iconographia Scotia*, 1799, which it is believed, from the dress, &c., could only have been intended for *this* Countess of Buchan, attributed to the artist Peter Oliver, who flourished from 1620 to 1650. This picture of Marie Douglas conveys the impression of a fair, round-faced girl, the ringlets peculiar to that period setting off to advantage a sweet countenance, the eyebrows a little raised and contracted, which gives a slight look of *care* or wonder, not a little fascinating.

Earl of Buchan, counting *Hearty James*, son of the Black Knight of Lorn, as the first of this line (as the family have always done), or first of the name of Erskine.

All that is known of the fair young donor of the peerage is to her credit. She was beautiful, as her portrait shows, and of a gentle nature, as is evidenced by one or two letters of hers which remain. She died young, having spent most of her life in England, where her husband was held in high favour by James VI., and by Charles I. Her last letter to her mother-in-law, the Countess Marie, will, it is believed, bear out what is said of her gentleness. It appears to have been written in prospect of her death in 1628, and is remarkable from being signed with her maiden name.

From Marie, Countess of Buchan, to the Countess of Mar.

"1628.

"DEAR MADAM,—Since I [am] almost past hope ever to see your ladyship, or ever to have the occasion offered which I could have wished to have shown my thankfulness for your ladyship's many great favors towards me, I am forced to write you now, having little or no hopes of any farther time to show my desires. For I having found your ladyship's kindness and help to be great in all [which] concerned me, I must now in my greatest necessity *beg your prayers* for me, that I may ever continue more beholden to your ladyship than to any [one] else. I am certain I need not recommend my greatest worldly care to your ladyship, which is the well [fare] and education of my children, for I have ever found your motherly affection towards me and them, that I persuade myself that they shall never want a loving mother, as long as it shall please God to preserve your ladyship to them. I have no desire more earnest, which I shall still pray and wish for to my last, having it in my greatest regrets that I cannot have the contentment to see your ladyship, yet I cannot be deprived of having my best

wishes to your ladyship, which none shall go farther in—than I, who ever is your most affectionate and obedient daughter,[1]

"MARIE DOUGLAS."

On the death of this lady, her son James was served heir general to his mother that same year.[2] It would therefore appear that the estates, for some reason, must have gone from his father, leaving him dependent on a younger son's portion.

Thus it happened that, ten years afterwards, the Earl of Buchan was necessitated to write to his mother from Paris a most pressing letter, asking for a sum of money, of which he was in much need. It is not known, for certain, what the mission mentioned in the letter was which was taking the earl to Spain. It is a family belief that fifteen years previously he[3] had, along with the Duke of Buckingham, and a distinguished fellow-countryman of his own, Archie Armstrong,[4] the king's fool, accompanied Baby Charles on an unsuccessful visit of the prince to Spain, in quest of a wife. But for the date of the letter, it might have been inferred that this was the business on hand, so important a matter to Lord Buchan, and of so much interest to Lady Mar. The letter is as follows :—

From James, Earl of Buchan, to his Mother, the Countess of Mar.

"PARIS, *4th June* 1638.

"MADAM,—My departure from England was so sudden, that I had scarce time to write that short letter I write to your ladyship. Then now, madam, be pleased to know that I have been here those three months about some of my master's affairs; and by his command I am going within this fortnight

[1] Sir David Erskine's MS., from which this and the other letters in this chapter are transcribed. It is to be regretted that the old form of spelling has not, in every instance, been preserved.

[2] Ibid. [3] See David, Earl of Buchan, in *The Bee*, 18th Jan. 1792.

[4] See Howell's *Letters* (Lond. 1737), p. 136.

to Spain. It is not pertinent for me to write more particularly, but if I had the honor and happiness to be with you, I would let you know what whereat I know you would be glad of. There befel me here ane most unfortunate accident, for being asleep in my bed about midnight, I was almost burnt in my bed before I was aware. Yet I thanked God I escaped, only being a little scalded; but my misfortune was, that the greatest part of my moneys I had for my provision I lost; for before I could get time to save any—I think the fire was so violent, nobody could venture to save anything. This has put me to my shifts, so that I am forced to borrow moneys for my provision, and could have none but from Scots merchants, so that it must be paid in Scotland. If your ladyship knew the pain I am in you would pity me, for Saturday I have received letters from the king to make haste to be gone, so that of necessity I must obey, and I have no other remedy to be extorcioned by our Scots merchants here.

"Now madam, believe this, as I am a Christian, it stands me no less than my ruine, my honor, and reputation, the repayment of those moneys, how much there shall be of it you shall know in my next; and Madam, for the favor I expect from your ladyship, I will here, before God Almighty, really and fully promise how things is,—*First*, that this is the last time I shall trouble your ladyship, or any of my friends in Scotland. Secondly, I do here promise faithfully, that as soon as I come to Spain, with all the possible haste that can be, out of the first moneys I am to receive there (where I am to receive reasonable store), I shall hasten those moneys to Scotland to your ladyship, or my Lord of Rothes, or Kinghorn,[1] with all the haste that can be imagined. Yet I know my moneys cannot come in time from Spain to pay those moneys, I take here presently, at the day appointed, the failing of which will be my utter ruin and disgrace, both

[1] Brothers-in-law of the writer. Elizabeth, Lady Kinghorn, it would appear, is not mentioned in the old Scotch *Peerages*.

here and in Spain. Therefore, Madam, for the Love of God, and as ever you will think me worthy of the title of your Son, fail me not at this time. I have written to my Lord of Rothes and Kinghorn, to this same effect, who I hope will join with you for the lifting of those moneys only for one term, and I protest to God, I shall have money at you before the next. So dear Madam let me once again on my knees, by this favor of you, and I protest to God I shall perform all I have promised your ladyship, how the doing the business or the not doing it, is the ruining or making my fortune, and so I pray you to convey it, for I protest to God it is so, for if I were with you, that I might say, what I dare not write, I know I need not fear the granting my desire.

"My brother Alexander[1] knows all this to be true I have written, and I believe he will answer for the performance of all I have written. Whensoever you will do me the honor as to write to me, my brother Alexander will cause send them to me. Would to God I were but on honor with you, for I am certain it would give me ane great deal of satisfaction if things fall right, as I am confident they shall, it may be I see your ladyship sooner than you could immagine, I being going so long a journey. I shall say no more at this time, only I pray God to bless you, and all your company, so I humbly rest,—Your ladyship's most faithful Son and humble Servant,

"BUCHAN.

"*P.S.*—I cannot as yet write how much money I shall take up here, but I think it will be ten or twelve thousand marks."[2]

"[To the Richt Honourable the Countess of Mar, Douager.]"

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[1] Colonel Sir Alexander Erskine, Commendator of Cambuskenneth, killed by the explosion at Dunglas Castle, 1640.

[2] In regard to the hidden meaning of this letter, Professor Samuel Rawson Gardiner, the distinguished specialist of this particular period of history, has very kindly pointed out, that in the year in question, 1638, there was an underhand

What mother having the necessary means could refuse to help her son after such an appeal? Lady Mar, unlike her sister, Lady Huntley, who suffered grievously for her adherence to the Roman Catholic faith, was well off: besides the property left to her by her husband,[1] she enjoyed a pension of five hundred pounds from King Charles. The Household book,[2] pertaining to the expenditure connected with her jointure-lands, written by her steward, has been printed, and gives evidence of the liberal and charitable disposition to all who had claims upon her, and many who had none, besides affording glimpses of many interesting family details. In this record every farthing is accounted for, even to the "validome of a twa-penny chicken." Her care for her sons' and grandson's (the bairne John's) welfare, are shown by sundry entries such as the following, the sums of course being in *Scots* money:—

"For thrie whyt night mutches to my Lord of Buchan, 3 l. 12 sh."

negotiation going on, through the Princess of Platzburg at Brussels, for a Spanish Alliance, which was, as Charles hoped, to help him to recover the Palatinate. It was possible, Mr Gardiner was inclined to think, that special instructions to Sir Arthur Hopton, the Agent at Madrid, might have been the object of this mission: he is not, however, of opinion — for reasons given—that the internal evidence afforded by the letter is conclusive as to its connection with the negotiations described. If there be no such connection, it would almost appear as though there were reference here to some incident in English history, nowhere else alluded to.

[1] John Erskine, Earl of Mar, had died at Stirling, 14th December 1634. Scott of Scotstarvit remarks: "His chief delight was in hunting, and he procured by Act of Parliament that none should hunt within divers miles of the king's house: yet often that which is most pleasant to man, is his overthrow; for walking in his own hall, a dog cast him off his feet, and lamed his leg, of which he died; and at his burial, a Hare having run through the Company, his special Chamberlain, Alexander Stirling, fell off his horse, and broke his neck." I understand there are those of the descendants of the Lord Treasurer, who are, to this day, chary of an accidental hare.

[2] *Household Book of the Lady Marie Stewart, Countess of Mar.* Edited by Charles Kirkpatrick Sharpe.

"Payit for ane cutthrot bowat[1] to be sent to Stirling to John ye bairne, 28 sh."

"Payit for ane golf club to John the bairne, 5 sh."

"For ye greek gramer, and ane buik, callit Juvenal to John Erskine, 53 sh."

"To Jon Erskine to bye a blader for trying a mathematicall conclusione, 6d."

This John Erskine died young. All the charges on his account are for boyish requirements.

Various entries in this account-book refer to state occasions, when it behoved the widow of the Lord Treasurer to appear in a manner becoming her high position. We find such as these:—

"19th Nov. To Andrew Erskine for giving to the poor at my Lady's onlowping, 12 sh."

"Payit for twa torches to lighten in my Laidy to the Court, with my Laidy Marquesse of Huntlie, 24 sh."

"15th Nov. 1641. Given to two torches to lighten in my Laidy to Court to take leave from ye King, 24 sh."

"To ye gardener in ye Abbey yard who presented to my Laidy ane floure,[2] 6d."

"Payit to the custome of the Watergate for ten horses that enterit with my La. carryage, 10d."

Then there are such items as these: "To ye kirk broad as my Laidy went to Sermond in ye high kirk." "To a poor minister who bemoanit his povertie to my Laidy." "To ane woman clarshocher[3] who usit ye house in my Lord his tyme." None of these had ever to make a second demand. Not even "ane masterfull beggar who did knock att the gate, my Laidy being att table;" nor "ane drunken beggar who fainit he was madde," was sent away empty.

[1] A dark lantern.

[2] Probably a nosegay. Like the word "posy" in England, "a flower" may mean in Scotland a bouquet, or a single specimen.

[3] A harper—from *clarisco* a harp. It should be remembered that the orthography of these accounts is not Lady Mar's, but her steward's.

Lady Mar's own house was in Niddry's Wynd, long since swept away. Many of the items in these accounts refer to her residence at the house of Sir Thomas Hope, the Lord Advocate, whose daughter, Mary, her favourite son, Sir Charles Erskine of Alva, married. Here the old Countess was frequently lodged, and here she died on the 11th August 1644.[1]

The house is almost opposite St Magdalen's Chapel in the Cowgate, and may easily be recognised by the quaint motto over the door—TECVM HABITA, and the date, 1616.

[1] Charles Kirkpatrick Sharpe, a descendant of this lady, and of Sir Charles Erskine, would have admired her more had her views been as distinctly Royalist as his own. Thus he writes: "Had the lady (my great-grandfather's grandmother) been Miss Mary Stewart, or Mrs Erskine, I should have cared very little about it [her autograph]: for her good qualities were not proportioned (as is generally the case) to her rank. She basked all her life in the beams of royalty, with a pension from the Crown, and yet cultivated the Kirk, and hounded out her whelps to bark and bite in favour of the Solemn League and Covenant; a ——! So much for my Lady Marie."—Letter to Mr Gibson Craig in 1828. For all that, Mr Kirkpatrick Sharpe took the trouble to execute the pretty etching from the portrait of the Countess of Mar, which adorns this book.



CHAPTER I.

PART II.

LORDS OF CARDROSS — STEWARTS OF KIRKHILL — PERSECUTION OF HENRY, THIRD LORD CARDROSS—LETTERS—DAVID, FOURTH LORD, AND FRANCES FAIRFAX — SIR THOMAS BROWNE — LETTERS — COLONEL GARDINER AND LADY FRANCES ERSKINE.

It is unnecessary to follow this line beyond the son of James, sixth Earl of Buchan, seeing that in the second generation after him it failed with William, eighth Earl. He, a supporter of King James, died a prisoner in Blackness Castle, without having been brought to trial. It is remarkable that while nearly all this line were strongly attached to the fortunes of the Stewart family, down to the date of the Revolution, the last Earl having actually taken up arms in the cause, the descendants of Henry, Lord Cardross, the next son of the Lady Marie, Countess of Mar, to which branch of the family the Buchan peerage now diverted, were equally distinguished for their devotion to the Whig side of the question of Government.

Henry, styled first Lord Cardross, third son of the Lord Treasurer, sat in Parliament in his father's lifetime in accordance with the right granted to Lord Mar of assigning the Lordship of Cardross to any of his male descendants he thought proper. He married the only daughter of Sir James Bellenden of Broughton, sister of the first Lord Ballenden.

Their son David succeeded as second Lord Cardross. He

was one of the Scottish Peers who protested against the delivery of King Charles I. to the English army in 1646, an incident which was brought to notice when the son of this lord was suffering grievous persecution in Charles the Second's time. The Stewart cousins in England were no less loyal. The Duke of Lenox and Richmond called his three brothers to aid King Charles; they all fought at Edgehill, where George, the eighth Lord d'Aubigny, fell; Lord John died after the action at Alresford, and Lord Bernard, commander of the King's Guards, was killed at Rowton Heath. Lenox himself offered his life for that of Charles, his kinsman.[1] David, Lord Cardross, married Anne, daughter of Sir Thomas Hope of Craighall, King's Advocate; and secondly, a daughter of Sir George Bruce of Carnock.

Henry, the eldest son, succeeded on the death of his father in 1671. This Henry, third Lord Cardross, was one of the most notable of the opponents of Lauderdale's high-handed administration; this brought down much evil on his head. He married Katherine, second daughter and ultimately heiress of Sir James Stewart of Strathbrock (or Uphall) and Kirkhill in Linlithgowshire, to which estates she succeeded, when her husband took the additional name and arms of Stewart on that account.[2]

[1] See Lloyd's *Mems.*, pp. 194, 236.

[2] The little that is known of the family of Stewart of Strathbrock and Kirkhill, is to be found in a somewhat rare book entitled *A Short Hist. and Gen. Account of the Royal Family of Scotland, &c.*, by Duncan Stewart, M.A. Edinburgh: 1739. From this little book it appears that "Sir Lewis Stewart, the famous Advocate," was a grandson of William Stewart of Rosyth; his mother was "*Margaret Ballenden* of the House of Broughton." Sir Lewis was "a loyal man to *K. Charles I.*, who intended to make him Justice-General upon the death of Sir *Thomas Hope*, anno 1654. He purchased the Lands of Strathbrock and Kirkhill, and d. in 1655. He married *Margaret Windram*, daughter to *James Windram* of *Libertoun*, and had issue: Sir *James*, his Son and Heir, who married a daughter of Sir James Morrison of Dalry, by whom he had a Son, Sir *William*, who died without issue; and two daughters—*Nicholas*, married to Alexander Earl of Glencairn; and Katherine, married to Henry Lord Cardross." "Strathbrock by

The misfortunes of this worthy couple have been a favourite topic with many writers on the persecution in Covenanting times, their case being cited to show that they were not always persons of the humbler class of life who suffered. There exists a copy of a representation to the king of the hardships endured by Lord Cardross, which agrees with the narrative given in much greater detail by Wodrow: it, as well as the memorandum of the king's instructions in the case of this much-suffering nobleman are here given.

"*A double of the King's Letter, so far as concerns Lord Cardross.*

". . . Glad particularly that you take exact trial of those informations concerning Conventicles and other unlawful Grotesses at and near Cardross.

"We were informed that by your order some of our Guards did in the house of Cardross apprehend and bring to reason one *King*,[1] who was set at liberty upon caution to appear, and seeing the Lord Cardross in a peremptory petition complains of the apprehending of that man, whom, as we were informed, he owns to be his domestic, you shall require that Lord Cardross do bring him back to Prison. And you shall not give over

some is thought to come of *Buchan* by reason of his arms"—namely, azure three garbs or, the ancient coat of Buchan.

The lands in question were anciently in the possession of the Sutherland family; from them the estates passed to the Douglases about the beginning of the fifteenth century; then to the Keiths, Earls Marischal, next to the Earls of Winton and the Oliphants, from which circumstance the locality was sometimes called "Strathbrok-Oliphant." From these families the lands were purchased by Sir Lewis Stewart, whose grand-daughter brought them into Erskine family.—*Account of the Parish of Uphall*, by the Earl of Buchan in *Trans. of Soc. of Antiquaries*, vol. i. 1792.

There are among the MSS. in the Advocates' Library *Collections respecting the Anti. and Hist. of Scotland*, by Sir Lewis Stewart of Kirkhill, which have received the compliment of being included in *Registrum Metalanum*, or list of works deemed worthy of being printed by the Maitland Club.

[1] Mr John King, their chaplain.—(See Wodrow's *Church Hist.*, passim.)

until that business of keeping Conventicles at and near Cardross be exactly traced, and according to Law direly punished.

"Given at our Court at Whitehall the 22d of September 1674, and our reign the 26th."

"*Information of the Lord Cardross his Case.*

"The Lord Cardross was in August 1675 Fined by the Council of Scotland in one Thousand Pounds Sterling for his Lady having been at two Conventicles kept in her own house by her chaplain, at which the Lord Cardross was not present.

"He was farther fined by the Council in £112 : 10. Sterling for his tenants having *been* at Conventicles, he was also then imprisoned in Edinburgh Castle, where he remained four years.

"In August 1677 the Lord Cardross was also fined in the half of his valued rent by the Council of Scotland for his Lady causing Baptize one of their children by Noncomforming Ministers, when the Lord Cardross was prisoner, and had not access to her.

"These being the fines imposed upon the Lord Cardross and grounds for which they were inflicted, he is hopeful that his four years imprisonment will be thought a sufficient punishment for anything he is said to be guilty of. And that therefore his Majesty will be graciously pleased to discharge the said Lord Cardross.

"The family and ancestors have at all times been most loyal. The late Lord Cardross had the honour to be one of those few that dissented from the delivery up of his late Majesty—viz., Charles I., in the year 1646; he was also a promoter of the engagement 1648 for his Majesty's relief, and therefore debared the Parliament in 1649, and fined in about £1000 Sterling, besides many other things which he and his estate suffered for his Majesty during the late troubles.

"Sir Lewis Stewart of Strathbrock, whose family by this Lady this Lord Cardross now represents, was a person of untainted

loyalty, wherefore was fined by the late usurper in a thousand pounds sterling, and the houses of Cardross and Kirkhill were by him garisoned, the first thereof was almost demolished by it; and lastly, in the late rebellion, his Majestys forces were quartered a night upon the Lord Cardross his lands of Kirkhill, whereby the Lord Cardross tenants—tho' neither rebels nor Noncomformers—were damnefied in about £500 Sterling, and these besides many other things which they and their estates suffered for his Majesty during the late troubles."

Lord Cardross was released on 30th July 1679, on giving bond for the amount of his fine, and early next year he went to London to lay his case before the king. It is probable that the paper given above formed part of his representation. But he obtained no redress, the Scots Privy Council having alleged misrepresentation of facts.

The sister of Lady Cardross, Nicholas, is described as the elder and co-heiress; their brother, Sir William, died unmarried. This Nicholas, Lady Glencairn, had only a daughter, Lady Margaret Cunningham, married to John,[1] second son of the third Earl of Lauderdale. Thus there arose a curious case, which is detailed in the following petition, or protest, and which, according to Wodrow, was an attempt to exert the Lauderdale influence, with a view to take the Kirkhill estate from Lady Cardross, she having already entered upon the possession of it in accordance with the terms of her father's entail.[2]

[1] He afterwards succeeded his brother as fifth Earl of Lauderdale. He also bore the designation of Lord Ravelrig (from his property of that name in Mid-Lothian) as Judge of the Court of Session. Attention was called to this connection with the Cunningham family in the next century, when the Glencairn peerage became dormant. See *post.*

[2] There is an account against Katherine, Lady Cardross, for the amount incurred in taking possession of the estate of Kirkhill, dated 1676, while her husband was still a prisoner; it is endorsed:—

"Edinburgh Castle, 14 March 1676. The within written account, extending to the sum of 400 pounds 5. 10. Scots, was depursed by Mr Andrew Kennedy upon my account, and I oblige myself to allow it him at computing. CARDROSS."

Thus the document, which is unsigned, runs: —

"The Lord Cardross being in August last to be released from his four years imprisonment upon the granting security for his fines—for the non-payment of which he had formerly been outlawed, albeit he always offered to pay the same, he being set at liberty. The Earl of Mar, by agreement with Sir William Sharp, his Majesty's Cash Keeper, was to grant bond for the said Lords fine, and to have a gift of his Eschet in his own name, which was accordingly past the Exchequr, and Sir William impowered to deliver it up to the said Earl at the granting of the said bond.

"When the said Earl at the performance of the agreement did grant his bond to Sir William for the said Lords fines, he demanded the aforesaid gift of Eschet, which Sir William told him he had forgot to bring with him, but would deliver it when called for, and immediately signed an order for that End, upon which the Earl could not be doubting the performance of a man of his reputation.

"Afterwards the Earls agents called several times for the gift of the same Eschet procured from his Majesty in favours of John Maitland the Duke of Lauderdale's brother's son, which is contrary to the agreement, made in the name and by authority of his Majesty's treasurer of Exchequer.

"In this gift, granted to Mr Maitland, his Majesty declares that he will assist the Lady Margaret Cunningham, wife of the said John Maitland, against any entail made by Sir James Stewart, her grandfather, by which Lady Cardross, her mother's sister, now possesses his estate, and is confirmed therein by his Majesty, under the *broad seal*, and which is in all points valid, according to the law of the nation, and is conceived thus:—

"The said Sir James Stewart, having but one son and two daughters, did Entail his Estate in default of his son, to his eldest daughter, and the *heirs male* of her body, which failing, to his second daughter, and the heirs male of her body.

"The said Sir James Stewart's son died unmarried, and his

eldest daughter, who was married to the Earl of Glencairn, dying without sons—having only a daughter, now wife of Mr Maitland—his second daughter married the Lord Cardross, having several sons, hath now undoubted right, by virtue of the said Entail, to her father's whole estate, the which she hath for several years possessed without dispute, till now her sisters daughter is married to Lauderdale's son.

"Mr Maitland and his friend knowing that there is nothing more ordinary nor allowed and assisted by the Laws of Scotland than an entail of this nature, finds it not safe to throw themselves wholly on the issue of ane ordinary suit at Law, being conscious of their groundless pretensions. But procures that gift from his Majesty's bounty, vainly thinking to forse the Lord Cardross to comply with his so illegal and Rediculous demands, and farther to paliate their extravagant demands by his Majesty's countenance puts in a clause whereby his Majesty declares that he will assist Lady Margaret Cunningham [against] the foresaid Entail contrary to his Majesty's practice, who never alloweth any incroachment upon the destinations of any of his subjects against another in private concerns, nor protects nor maintains any breech of agreement.

"The Lord Cardross hath these six years last past besides these, suffered many other hard things, not to name them otherwise, which, for brevety sake, he forbears to mention now."

The view taken by the other side is shown by a passage in a letter written by the aggrieved lady to her son's wife:—

" . . . The Conservator [Mr Maitland] they say is anxious about it, and said his Lady was in the place of a son, her father had *wed* her so, and they think it was her right."

This plea, however, was not sustained: the Kirkhill estates continued in the possession of the descendants of Katherine, Lady Cardross.

The following is from one of the Lords of His Majesty's Council (supposed to be Lord Mar) to Lady Cardross:—

"12*th Feby.*

"MADAM, . . . The Council have writ to the King to take notice of the paper, and trust that your Chaplin was not Mr King who was hanged,[1] and to take such course to Vindicate the Council and his own authority that this may be put a stop to, anything like it for the future. I did not stay to sign the letter, this is all, and now let me advise your Ladyship—tho' it be saucy enough for me to pretend to do it —to write to my Lord to find some way of softening the King, which is all that can be hoped to do good by. I heartily wish your Ladyship extricated out of so many troubles as are now upon you, for I assure you, I wish very well both to my Lord, your Ladyship and all your concernary. — I am, Madam your Ladyships most humble. Servant."

[Name torn off.]

The following letter is written by the Honourable Veronica Erskine, daughter of the second Lord Cardross,[2] to her brother, the third lord. It refers evidently to an attack that had been made upon the house of Cardross:—

"CARDROSS, 28. *Novr.* 1683.

"MY LORD,—Blessed be God your Lady is as well as ever she was in this condition that she is in. There would have

[1] Dr George Hickes, chaplain to the Earl of Lauderdale at this time, was author of a work entitled, *The Spirit of Popery speaking out of the Mouths of Phanatical Protestants; or,* THE LAST SPEECHES *of* MR JOHN KID *and* MR JOHN KING, *two Presbyterian Ministers, who were executed for High Treason and Rebellion at Edinburgh,* August 14, 1679, *with Animadversions, and the History of the* ARCHBISHOP OF ST ANDREWS, *his murder.* Folio. London: 1680.

[2] Besides his son Henry, who succeeded him, David, second Lord Cardross, had several children. Colonel the Hon. John Erskine was the most remarkable: he founded the family of Carnock, his son John Erskine was author of the *Institutes of Scots Law,* and his grandson, the well-known Dr Erskine, minister of Greyfriars' Church, who figures in *Guy Mannering.* From Colonel John Erskine also descend the Erskines of Cardross, of Linlathan, and of Venlaw. Veronica Erskine married Walter Lockhart of Kirkton, Lanarkshire.—See *Douglas' Peerage.*

been an express sooner sent, but we did not get the particular account of all these persons names until this day, which now we have got very exactly, having gotten them from one of themselves, whose name is David Wannox, Slater to his employment, his name is in the information which was sent, and he intreats it may be put out again, he swears that he and many others of them knew not where they were going, until they were beneath the eves, and he says he came not in within the house, but stayed all the time off, the rest being here in Jane Dicks. Its like you will think this but a very short account considering the information that you got before, but all is written which can be proved by witnesses; as for the brew-house window, William Stainson says he cannot swear they broke it up, tho' he is certain they locked it the night before, and the next morning he found it open, and the key of the door in his pocket, and the woman's house also was locked, but the key was in it, and it was found open.

"There is none that was witness to the breaking down of the hay stack, but several will depone that they did see their horses eat of it, and they did neither draw sword nor dirk. You desired to know if they took away anything which none can say they did, but however Mrs Edmonstone[1] doth miss a Cradle blanket, which she cannot get in all the house, this I thought fit to make mention of because you are desirous to know anent this particular. The man who told us of these persons names said that they all came out of Downe about 11 oclock at night, and he said also that all the country men of them dwells in my Lord Murray's grounds, so that Auconleck had no men here, nor for what we can learn he has had no hand in this affair, altho' we have no reason to expect

[1] Wife of Archibald Edmonstone, Esq., of Duntreath. "He married, first, the Honourable Anne Erskine, third daughter of Henry, third Lord Cardross; and secondly, in 1716, Anne, second daughter of the Honourable John Campbell of Mamore (second son of the ninth Earl of Argyle)."—See *General Account of the Family of Edmonstone of Duntreath.* Edin.: (privately printed) 1875.

better, if not worse of him. All the soldiers belong to Lithgow's Regiment, but we know not whose company they are in, but that may easily be got notice of, since the name of the corporal is inserted amongst the rest, all was done at Joseph Kristie's instance, except the breaking up of the stable door, which was at Snows instance. Now I think all the particulars of your letter is answered, and if anything has escaped my memory let me know, and I will do my endeavour to satisfy you in it. . . .

"There is two summons of abjuration come, whereof one is from Sir George Nicholson, and the other from Patton, the extract of that paper shall be sent with the Stirling carrier. Garture is not at home, nor will be till to-morrow at night or Saturday morning, but I shall desire him to write with the Stirling carrier. Your lady entreats you to have a good care of yourself, which I hope ye will do, ye know how much it tends to her satisfaction, and your own advantage, both whose welfares I do most sincerely wish, and both from my heart, wish that it were in my power to be serviceable to any of you, which should be most willingly done by her who is.—My Lord, Your unalterably affectionate Sister and Servant to Power,

"VERONICA ERSKINE."

Lord Cardross, despairing of fair treatment, having compounded for his fines, resolved to leave the country, and accordingly proceeded to North America, where he founded a plantation at Charleston Neck, South Carolina. After a few years, he and other settlers were driven thence by the Spaniards, many of them being killed and their property destroyed.

On his return he joined the small band of exiles who had settled at the Hague, and were patiently waiting for better times. In Wodrow's *Analecta* may be found many references to "the good Lord Cardross" and his wife, during their enforced residence abroad. In Holland there were assembled at this time, besides this worthy couple, Fletcher of Saltoun, Lord

Stair, Lord Melville, Sir Patrick Hume of Polwarth, and Sir James Steuart of Coltness (whose grand-daughter was afterwards to enter the Erskine family), all anxiously expecting the turn of the political tide. Cardross accompanied the Prince of Orange to England in 1688, and the following year raised a regiment of Dragoons [1] for King William's cause, and did useful service under General Mackay.

His son, the Hon. David Erskine (who succeeded him in his title, and who was afterwards Earl of Buchan), accompanied him and commanded a company of infantry.

The two documents following refer to this period. They serve to show the critical position of King William's army three weeks after Killiecrankie. The first is a letter from Mr Hamilton, Secretary at War for Scotland, by order of Major-General Lanier, to Lord Cardross;—

"*Six o'clock at Night,*
PERTH, *the* 21 *of August* 1689.

"MY LORD,—I am ordered by Major-General Lanier to desire your Lordship to use all your endeavour to get a man sent to Dunkeld to desire these soldiers of my Lord Anguses Regiment to keep good heart and to defend themselves to the utmost of their power, even to the last man, and to assure them they shall be sure of relief the morrow by four o'clock in the afternoon, and *that* they may be confident of.—I have nothing to add, but that I am, my Lord, your Lordship's most humble Servant, G. HAMILTON."

"On His Majesty's Service,
For my Lord Cardross *this*."

[1] The standard of this regiment, as well as the commission granted by William, Prince of Orange, to Lord Cardross, to be Captain in the Armies of the States of Holland, were given by David, Earl of Buchan, to the Society of Antiquaries of Scotland, on its formation.

From General Mackay, Commander-in-Chief in Scotland, to Lord Cardross.

"You are required to send up the two Petards as are at St John's town, twenty barells of powder if there are so much, with so many shells or barrells of lead, *and make conform* with all the Meal that lye ready to be sent at St John's town, and shall cause convey that magazine and provision, and a hundred firelocks of Mar's Regiment, commanded by two captains and other officers, *conform*, and thirty horse and dragoons, and shall dispatch them away to-morrow morning, being the 30 of August.—Given at Blair, the 29 of August 1689.

"H. MACKAY."

"On their Majesty's Service,
To the Officer Commanding in Chief at St John's Town."

"*P.S.*—Send up all the spades, shovels and axes to *hew* timber that can be had at St John's town, and such as come from Edinburgh, to make some fortifications to Sky Castle, and write to Lt.-Colonel Tucker to send 150 men.

. . . [illegible] . . . The enemy is away to Lochaber, and separated for aught we can learn. I am about disarming this country, without which we cannot expect to be sure of them, to bring all the arms upon oath. I intend to leave the whole Regiment of Glencairn here, for a small garrison would not be *respected*."

The resources of Lord Cardross and his wife had been brought to a low ebb before their forfeited estates were restored by Act of Parliament, at the Revolution. There is in Carstairs' *State Papers* a piteous letter signed "K. Cardross," complaining that the instalments of the pension granted to her by King William have not been paid.

Mr Maidment, in a note to one of the *Scottish Pasquils*

in which Lord Cardross is mentioned, has recorded, with the precision of day and date, an incident connected with his wife which might otherwise well be called in question. He says, "Lady Cardross, on 19th July 1687, applied to the Privy Council against her stepmother Elizabeth Dickson, the relict of her father Sir James Stewart of Kirkhill, for aliment. The jointure out of Kirkhill was only 1200 merks, but Lady Cardross insisted this was too much, as she, Elizabeth Dickson, was 'of a mean quality;' and this was sustained as an *excellent* reason for dividing it between them!"

There has been preserved a copy of a lengthy petition by Lord Cardross to the Meeting of Estates, in which he represents that, "having come home with his now Majesty King William, for the Rescue of the Protestant Religion and the Laws and Liberties of the Country, and being one of the first of that number that appeared in Edinburgh for to attend the present meeting of the Estates," he had been "set upon on the High Street" by a messenger "pretending to have letters of caption against him in the name of the late King James."

This, Lord Cardross looks upon as a breach of privilege, seeing he had been summoned by name by the "now" king, and asks that all the parties to the insolence and rudeness may be cited to appear before their Lordships, to answer according to justice and their Lordships' authority.

This nobleman was made a Privy Councillor, and appointed Governor of the Mint, in which capacity he lived in the Old Mint building in Gray's Close, till his death in May 1693, in the forty-fourth year of his age.

David Erskine, the supporter of King William, who had inherited his father's title, succeeded also his cousin William, the royalist, in the Buchan Peerage, on the death of the latter in 1695. There was some question of the succession, but ultimately Lord Cardross was allowed to be called in Parliament with the title of Earl of Buchan. This Earl married first, Frances Fairfax, daughter and sole heiress of Henry

Fairfax of Hurst, in the county of Berkshire, grandson of Viscount Fairfax of Emeley, in the Irish Peerage. But a far more remarkable circumstance in respect of this lady is, that she was a grand-daughter of the author of the *Religio Medici*, her mother, Anne Browne, being his eldest daughter. Moreover, there is every reason to believe that, seeing there was, so far as can be learned, no descendant of Dr Edward Browne, who would have been heir, the representatives of the famous Sir Thomas Browne of Norwich were this Frances Fairfax and her Scotch descendants.

In a supplementary chapter to Sir Thomas Browne's biography, there is this singular statement: "It is very remarkable that although Sir Thomas Browne had *forty* children and grandchildren (including those that were so by marriage), yet in the second generation, within thirty years of his decease, the male line became extinct; in the third generation none survived their infancy, excepting in the family of the eldest daughter *Anne*, of whose eight children none left any descendants but the third daughter, *Frances Fairfax*, married to the Earl of Buchan." [1]

There are many letters of this lady remaining, chiefly addressed to her husband, all of a description most edifying.

> "Ye fair married dames, who so often deplore
> That a lover once blessed is a lover no more,"

would do well to study the sweet and loving letters of Frances, Lady Buchan, to her husband. It is a duty to offer a specimen or two.

From Frances, Countess of Buchan, to her Husband.

"CARINNE,[2] *Thursday Night.*

"MY DEAREST LIFE,—I was exceeding glad you got safe to Edinburgh, for indeed I was in great fear all the day, knowing

[1] Supp. Mem. to *Life of Sir Thomas Browne.* Bohn's Ed. vol. i. p. xvi.
[2] Carriden, on the Firth of Forth.

how bad the road is, and *how many rogues are wandering about the country.* Pray, my dear soul, continue if possible to come home on Saturday, for tho' you went but yesterday, I find myself already worse. I hardly shut my eyes two hours last night, but the little time I slept I dreamt you was angry, and would not speak to me; and if you do not write by Friday's post, I shall conclude my dream proves true.

"My dearest, I desire you would not forget to send to my Lady Semple's for the receipt-book and other things; and pray bring me out some cut paper along with you. My love, I thank you for your ceremony in excusing yourself for writing in that bit of paper. I suppose it was to fill up room, having nothing to say to me besides. You must not take my jesting ill, but believe me that I am, my dearest life and soul, your most affectionate and most obedient Wife,

"F. BUCHAN.

"*P.S.*—Pray my humble service to my lady, my sister, and Mrs Edmonstone does the same to you. Your pretty little girl is quite well, and plays and laughs delicately.

"[For the Earl of Buchan, at my Lady Cardross's,
at the foot of Niddery's Wind, Edinburgh.]"

"KIRKHILL, *June 30th*, 1699.

"MY PRETTY CREATURE,—I received your letter at 9 o'clock last night, and would have writ to you then, but could not hear of anybody that went to town. I was very sorry to see by yours that I should not see you till Saturday night, which was indeed a great while for me to be without you, who am so impatient for your return. I have sent your horses as you desired. Pray, my dearest, have a care of yourself, and ride softly, for there is nothing worse for you than hard riding. We have one Mrs King here; she came yesterday night; her husband was executed.[1] I suppose you know her. The Laird

[1] See p. 29, *ante.*

of Duddingstone was here this afternoon. He had been at Binney's[1] child's christening. It is a boy, you know. She had a girl about the time Ketty[2] was born. I wish, my dear, we may have as good luck as she had. Ketty's nurse was here to-day, and you never saw anything so fond as the child was of her. She cried and tore herself extremely when she went away. The coach-horses went yesterday to Cardross, and last night the covering was stole off the coach, and we were afraid they would have cut out the lining; but it is more to be feared they will go to the goods that lie in the barn; being so far from the house, they may take more time in conveying them away. Jervis March had all the houses in Broxburn serched this morning for it, but found it not. . . . I suppose you have heard of a boat that Mr Pain has, he that was my uncle's prisoner, has invented, and they say has been upon the water. He says it will go to New Scotland in . . . days, and that it will fly like a bow out of an arrow (*sic*); and that it has one property better than all the rest, which is, that it will never be drowned, for it can never sink, and that it will sail as well against the wind and tide as with it. . . . I shall now conclude, being to see you to-morrow, and then I hope I shall keep you sometime to myself; for since we came to Kirkhill, I really believe you have not been with me an intire week together. I have no more to say at present, but that I am, and ever shall be, your most affectionate and obedient Wife, F. BUCHAN."[3]

[1] Stuart of Binny, Linlithgowshire. [2] Lady Katherine Fraser.

[3] If ever there was a love-match, one would say there is evidence here of this couple having made one. Yet there is before me a note in the handwriting of Charles Kirkpatrick Sharpe, a lover of such bits of family gossip, bearing upon the history of their courtship, whatever the facts may have been: "Jan. 27, 1698. Sir John Cochrane (of Ochiltrie) having assisted the Earl of Buchan to a great match of an English heiress, who had £10,000 sterling of tocher, as *praxaneta* in the case, he got a bond of £1000 sterling if he were able to effectuate the marriage, and having charged the earl, he gave in a bill of suspension on this reason, that, having found himself overreached, and the marriage having taken effect without Sir John's interception, he had taken the affair before the

A letter dated Windsor, Nov. 17, 1704, from Mrs Littelton, a daughter of Sir Thomas Browne, follows in this series, but is too long for insertion here.[1] The contents appear to explain, in some sort, why so many portraits of the Brownes are to be found in the possession of the Erskine family, and now at Ammondell, their seat in Linlithgowshire. If, as seems certain, Frances Fairfax was heiress to her grandfather, certain "goods" (probably, including these pictures) which Mrs Littelton wishes may be kept safely for her niece were, possibly, part of her inheritance.[2]

In the year 1729, David, ninth Earl of Buchan, held the office of Lord High Commissioner to the General Assembly of the Church of Scotland. It would seem that this appointment was the cause of no little heartburning in those days. This we gather from Wodrow's *Analecta*, where the final triumph of Lord Buchan over Argyle and his brother Islay is described. (vol. iv. p. 43.)

The birth of the next earl is thus recorded: "At Edin^r. on the 17 April 1710 my Lady was delivered of a Son that was called Henry David, the former of that name being dead, and

Judges at Westminster Hall, &c. In England Sir John's bond was declared void and null — one granted *ob turpem causam*, and for an unlawful paction. Sir John restricted his bond to £600 sterling, as his true expense in attending that affair in London. See Fountainhall for this curious case."

[1] See Appendix No. II.

[2] Besides the beautiful portraits by Sir John Medina of Frances Fairfax, in which she is depicted with a tall, slight, and graceful figure, dark, and with an exceedingly gentle expression; and of her husband, a handsome young man in armour and flowing perruque, there are to be found at Ammondell paintings of what must have been nearly the whole of Sir Thomas Browne's family. There are besides an excellent picture of the good old physician himself, "Dr Edward Browne;" "Mrs Lyttleton, aunt of the Countess of Buchan;" "Anne Browne," her mother, &c.; also "Henry. son of Viscount Fairfax," grandfather of Frances; "The Wife of Henry Fairfax;" and lastly, there is a quaint little picture on panel, entitled, "Henry Fairfax, brother to Frances, Countess of Buchan," a chubby little infant, reclining in a very elaborate robe. In the background, through a doorway, is seen a black figure, something like a satyr—probably emblematic — regarding the child. Had this infant lived, Frances Fairfax could not have been described as heiress to Sir Thomas Browne.

this being a favorite name, made it be so often repeated. This child's title my Lord changed from Auchterhouse (the second title of the Earls of Buchan) to Cardross."

Lord Buchan's second daughter, Lady Frances Erskine, married the celebrated Colonel James Gardiner, a gallant soldier, and high-minded Christian gentleman. There is no incident of Scottish history better known than the circumstances of this good man's death at Prestonpans. Yet in his time there were those who did not, apparently, care for his very decided religious views. Dr Carlyle of Inveresk, who knew him, as did his father, considered Gardiner an enthusiast, a weak man, and inclined to religious ostentation,[1] with regard especially to the remarkable manner of his conversion, some details of which, as given to his father by Colonel Gardiner, Carlyle states, differed from those recorded with such precision by Dr Doddridge. The latter writer, however, states distinctly that Colonel Gardiner was unwilling to give a full description of the extraordinary scene to unsympathetic listeners. At all events it is unquestionable that Colonel Gardiner *believed* that he saw a blaze of light fall upon the book he was reading, and heard a voice speaking to him. Whether the book was Watson's *Christian Soldier*, as stated by Doddridge,[2] or Gurnall's *Christian in Complete Armour* according to Carlyle, certain it is, that from being a man of dissolute life, he then began, and for the rest of his days continued, the godly career for which he is famous. It should be remembered that both Carlyle and his father were leaders of the "Moderate" party, whose aim was to cleanse the Church from the intolerance and bigotry which it was alleged at that time characterised one section of it; consequently they were impatient of anything that savoured of fanaticism, or "high-flying," as the phrase went.

Lady Frances (*Francissa* of the elegy on her husband), is spoken of as a "lively little woman, with a very numerous

[1] *Autobiography of Carlyle.*

[2] *Some Remarkable Passages:* Lond. 1781: p. 33.

progeny."[1] Of his wife Colonel Gardiner said, "That the greatest Imperfection he knew in her character was, that she valued and loved him much more than he deserved." She was the friend and patroness of her neighbour, the Rev. Robert Blair, minister of Athelstaneford, author of *The Grave*, also a correspondent of Dr Watts and Dr Doddridge; and when George Whitefield came to Scotland, Lady Frances Gardiner and the rest of the Buchan family were amongst the foremost to welcome him. Her ladyship appears to have been the medium of opening a correspondence between Blair and Dr Doddridge on the subject of *The Grave*.

Lady Katherine Erskine married William Fraser, Esq., of Fraserfield, in Aberdeenshire, the name of which was afterwards restored to Balgownie, as it was formerly called. The earl, their father, continued to live in the Minthouse in Edinburgh, along with several of his brothers and sisters. On his death his family removed to a house at the head of Gray's Close in the High Street.[2]

Katherine, Lady Cardross, still lived in the house which had been her husband's in Niddry's Wynd. After his death she had built, as a residence for herself, Uphall House, within a few yards of the parish church, the house now occupied as the manse.

The following letter is addressed by Lady Katherine Fraser to her brother, Henry David, after he had succeeded to the earldom. It is interesting as showing the pride that was justly felt by the family in their relationship to Colonel Gardiner.

[1] One of these, Frances, married Sir William Baird of Saughton. Another daughter, named Richmond, was the subject of Sir Gilbert Elliot's song, "Fanny fair, all woe-begone." She herself was the authoress of *Anna and Edgar; or, Love and Ambition. A Tale.* Edinburgh, 1781.

[2] On the 10th September 1810, Lord Erskine wrote to his brother: "Having found that our grandfather, David, Earl of Buchan, was buried in Hampstead Church, as appears by the register in 1745, I have thought it right to direct a black marble stone, with the family arms at top, to be erected to his memory. Do you know the day of his birth? I have the day of his death and burial." Lord Campbell gives the inscription in his *Lives of the Chancellors.*

"ABERDEEN, *Jany.* 8, 1733.

"MY DEAR BROTHER,—I wrote you by the last Post, and now this comes to you by Mr Gordon son of Sir James Gordon of Park, and nephew of Mr Fraser. I have sent five[1] . . . My nephew, Johny Gordon, will be fond to be allowed to wait on you sometimes, he is a stranger in Edinburgh and but young, and I have a great concern about him, he was much with me when a boy, and had much good about him . . . he goes up with the design to list himself to serve in the Army as a Cadet, and would incline to be in a good Regiment, such as my Lord Stairs, and indeed I would heartily wish him there because I have a great concern for him and it will be a great advantage to him to be under Colonel Gardiner, who keeps his Regiment so sober.[2] I design to write to the Colonel to recommend him to him, but I believe yours will go as far with him as anybody, and I hope if he falls in so good hands he may make a fine young man for he is good tempered and has a great deal of honor about him.

"K. ANNE FRASER."

Of Henry David, tenth Earl, to whom this letter is addressed, and of his wife, the beautiful and accomplished Agnes Steuart, of Goodtrees, more will be said in the next chapter; and in due course, much more of their children, David, eleventh Earl of Buchan, and of the two great lawyers, Henry and Thomas Erskine, of the pious and large-minded Lady Anne Agnes Erskine, and of Isabella, the last Countess of Glencairn, who

[1] Illegible. Supposed to be pairs of *Aberdeen hose.*

[2] "1725. I have a very pleasant account of Major Gardiner, formerly Master of Horses to the Earle of Stairs, and nou lately, on the death of Major du Curry, made Major of Stairs' Gray Horse [Scots Greys]. He seems to be one of the most remarkable instances of free grace that has been in our time. He is one of the bravest and gallantest men in Brittain, and understands military affairs exactly well."—*Analecta*, vol. iii. p. 198.

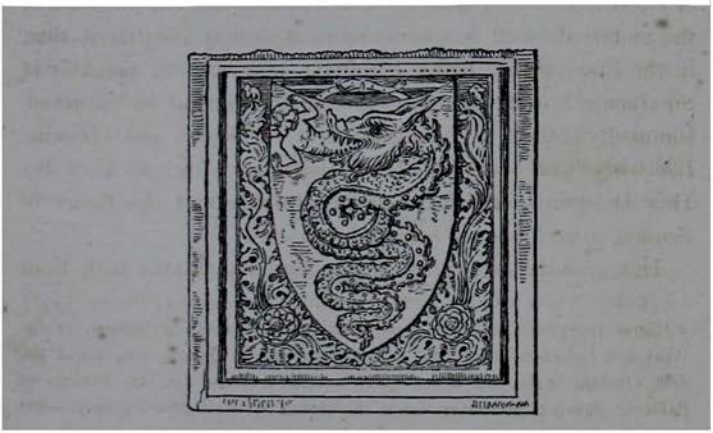
inherited no mean share of the beauty and intelligence characteristic of this family.

If it be conceded that the feeling which could lead a great writer

> "To fill some hundred leaves
> To prove his ancestors notorious thieves,"

is intelligible, little apology will be needed for the attempt which has been made to give the reader a glimpse of the ancestry of the distinguished man with whom this volume is chiefly concerned.

A very learned professor of our own time, himself endowed with a considerable measure of genius and poetic fire, on looking over the curious display of great names which is here laid before the reader—Visconti, Della Scala, and Doria, Bourbon, Lenox, Mar, and Royal Stewarts, Stair, Fairfax, and (not the least honourable) Sir Thomas Browne—remarked, that if there be any faith to be placed in the theory of the inheritance of mental qualities, especially through the female line, we should expect to see here, following this scheme of descent, "true genius, or great eccentricity—perhaps both."



CHAPTER II.

HENRY, TENTH EARL OF BUCHAN, AND AGNES STEUART OF GOODTREES —SIR JAMES STEUART, LORD ADVOCATE — BIRTH OF HENRY AND THOMAS ERSKINE — SIR JAMES STEUART OF COLTNESS — LETTERS OF MRS CALDERWOOD OF POLTON — LADY MARY WORTLEY MONTAGUE—THE ERSKINES IN EDINBURGH—STUDIES AT ST ANDREWS —PROFESSOR WILKIE AND THE *EPIGONIAD*.

It was the general opinion, that though Henry David, the tenth Earl, was a man of infinite good-nature and pleasing manners, his abilities were not much above the average.

In one instance, however, he displayed a rare discrimination, namely, in the choice of such a bride as Agnes Steuart of Goodtrees, a lady both good and beautiful. The influence of the maternal blood was never more strikingly illustrated than in the case of this lady's children. She was the daughter of Sir James Steuart of Coltness, Solicitor-General for Scotland, commonly called "Solicitor-General Cultness," and his wife, the witty and beautiful Anne Dalrymple,[1] daughter of Sir Hew Dalrymple of North Berwick, President of the Court of Session, a very famous man in his time.

Her grandfather was a much more remarkable man than

[1] Anne Dalrymple was niece, and Agnes Lady Buchan grandniece, of the "Bride of Lammermoor—" that is to say, of Janet Dalrymple, daughter of the first Viscount Stair, and the affianced spouse of David Dunbar, younger of Baldoon. Their tragical story forms the plot of Sir Walter Scott's novel.—See p. 74 *post*.

either of these. Nobody in Scotland occupied a more prominent place in public affairs during their settlement after the Revolution, and in the reign of Queen Anne, than did Sir James Steuart, the Lord Advocate. He was the idol of one party, and the abomination of another. Macaulay is very severe on the character of this too sagacious lawyer, as he thought him, for whom *Jamie Wylie* was considered to be an appropriate nickname, descriptive of what was considered *shifty* in his dealings. The late Mr Mark Napier, the learned author of *The Memorials of Dundee*, who so well represented, in this degenerate age, the views of the picturesque old Cavaliers, had not a moment's toleration for such a man. "This James Steuart of Goodtrees," he exclaimed, "was a thoroughpaced traitor, and actually wrote part of that vicious trash *Naphtali*. This cheat-the-Woodie, became Lord Advocate to the King of Glencoe." Sir James Steuart did write the law part of *Naphtali*, also *Jus populum Vindicatum*, two of the most characteristic specimens of the Covenanting literature cited by Macaulay, as hardly to be surpassed for "ferocity and absurdity."

Wodrow, on the other hand, could hardly find words to express his admiration of his character. "It would," he writes, "take a man equal to himself to draw it, and I dare not attempt it; he was wonderful in prayer, and mighty in the Scriptures, and wonderfully seen in them beyond any man, almost ever I conversed with."

The wife of this "great man and extraordinary Christian," was Agnes Trail, a member of an ancient family in Fifeshire, the Trails of Blebo. Her father, the Rev. Robert Trail, attended the army in England as chaplain, and in this capacity was present at the battle of Marston Moor; he also attended the Marquis of Montrose on the scaffold at his execution. He afterwards became minister of Greyfriars' Church in Edinburgh, where, in 1857, a window of stained

glass, containing a portrait of the minister, was erected in his honour.[1]

Political squibs, whether under the name of "pasquils," "lybels," or "cockalanes," have ever been powerful weapons in party strife in Scotland, and have hardly met with the attention they deserve, as indicative of the spirit of the different periods of history. Sir James Steuart has been roughly handled in several of such pieces of wit; for example—

> "Quam formosa tua et facies tenebrosa Steuarte,[2]
> Quam simplex, duplex, quam falsum pectus honesti,
> Quam verax, mendax, Oh! quam suavis, amarus,
> Quam celeste tecum meditans terrestria pectus,
> Tuque colens Christum, cœlum nec Tartara credis,
> Non mirum quamvis ludis utraque manu."[3]

There is, at least, the soul of wit in the following:—

> "Sir James Steuart thou'lt hing
> in a string;
> Sir James Steuart, knave
> and rogue thou art,
> For thou ne'er had a true heart
> to God or the King;
> Sir James Steuart thou'lt hing
> in a string."[4]

Upon his "lamentable death" the other side wrote:—

> "Speak, grieved *Muse*, alarm the world and read
> The unwelcome news, great Sir James Steuart's dead.

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[1] The remarkable descent of Agnes Trail has often been cited—*e.g.*, in *The East Neuk of Fife*, by the Rev. W. Wood; and elsewhere.

[2] In the vestibule of the Library of the Writers to the Signet, is a fine portrait of Sir James Steuart, Lord Advocate, said to be by Medina. In it the countenance, "formosa et tenebrosa," is strikingly recognisable. Another portrait adorns the folio edition, 1715, of Sir James Steuart's *Solutions* of Nesbit of Dirleton's *Doubts*, a well-known law book, which an old judge declared was more valuable than most people's *certainties*.

[3] Maidment's *Scottish Pasquils*.

[4] *Court of Session Garland*.

Profound his wisdom ! next to *Solomon*,
His equal none can condescend upon,
Most intrecat and nice affairs of State
Were soon resolved by his unerring pate.
And since his place can be supplied by none,
His loss we never can too much bemoan."[1]

The Lord Advocate's death was felt to be a heavy blow to the State, and the Church of Scotland. Miss Mure of Caldwell, writes: "Fifteen hundred invitations were issued for the funeral; so great was the crowd, that the magistrates were at the grave in the Greyfriar's Churchyard before the corpse was taken out of the house at the foot of the Advocate's Close." Several lives were lost on the occasion.

From what has been said, it will readily be believed that if ever there was a household, in more recent times, which might have been expected to be pervaded by the very atmosphere of the Solemn League and Covenant, it was that of the Earl of Buchan, and his excellent wife, Agnes Steuart. In both their families the experience had been very much the same. In both, the memories of suffering, imprisonment, and exile were fresh. In the case of Lord Buchan, doubtless the traditions of the good Lord Cardross had some share in inspiring him with a strict, if not rigid Presbyterianism in opinion and manners, little differing from that of Lady Buchan herself, tempered though her views, no doubt, were by the enlightenment of a highly cultivated mind. Mr Walter Bagehot has said that pure Whiggism is "a character" more than a political creed. One can well conceive it being so in a case like this, where precept, example, and family tradition all tended to a like result; and it is not difficult to understand how Whiggism became part of the character of Lord Buchan's three sons. His lordship is described by his grandson in the MS. which has been mentioned as partly forming the basis of this memoir, as "a zealously religious man, strong in his anti-Roman convictions — though he inclined, in a quiet way,

[1] "Broadsides" in Advocates' Library.

towards the Stewarts,"—which probably means that he, like many other stanch Presbyterians at that time, saw justice in the Jacobite cause, but was by no means prepared to allow the *sentiment* to carry him nearer to the logical conclusion. A corresponding spirit was common at the same period among the English and Scotch Nonjurors, many of whom were far from being Jacobite in their views, but preferred the certainty of things as they were to the doubtful possibilities of the untried: albeit, they looked upon the Revolution Settlement as little better than a "Blessing with a black selvidge." That some trace of the old devotion of his ancestors to the Stewarts may have been in Lord Buchan's mind appears in the following incident, related by his grandson. He states that his grandfather removed with his family from Kirkhill to his brother-in-law's house of Goodtrees when the Highlanders appeared in Linlithgowshire; and that—so runs the tradition—while Prince Charles Edward held his Court at Holyrood, Sir James Steuart of Coltness, who had previously given his adherence to the Pretender (though that he had done so was afterwards denied), urged his brother-in-law to pay his respects to the prince, which Lord Buchan, fearful of committing himself, refused to do. Sir James then proposed that the prince should meet the Earl of Buchan, as if by accident, at the Cross of Edinburgh, where he might be carried off, apparently by force, down the High Street to the Palace, to all which Lord Buchan was understood to have agreed; but Charles Edward, when he heard of Sir James's undignified proposal, at once declined to receive the earl in such a manner. The Earl of Buchan's adhesion, he said, must be open and avowed to be acceptable; but his lordship, like a wise man, refused to risk his fortunes in a cause in which he could but half sympathise.

In the old house at the head of Gray's Close, the two great lawyers were born. The birth of Henry Erskine is thus recorded in the old family Bible:—

"At Edinburgh, Nov. 1, 1746, about 10 o'clock at night, a son, *Henry*."

In due course the birth of his brother Thomas was similarly recorded:—

"At Edinburgh, on Tuesday, January 10th O.S. 1749, at about 11 o'clock at night, a son, *Thomas*."

The MS. from which these entries are taken states distinctly that they were born at the family house at the head of Gray's Close.[1]

At this time the fortunes of the family were far from being in a flourishing state. Partly, it is believed, from mismanagement, and the losses sustained in the troubles of the latter part of the preceding century, the estates belonging to this branch of the Erskines had become much contracted in extent. About 1745, for example, Lord Buchan had sold the estate of Cardross to his cousin, Erskine of Carnock. There remained, however, enough for a *ménage*, which, though on a comparatively limited scale for persons of their rank and position, was sufficient, with the careful economy practised by Lady Buchan, for comfort, in accordance with the primitive notions of those days. The cosy "dish of tea" which was then an institution, and almost the only form of social entertainment, cost little and availed much in the way of unpretending hospitality. Her ladyship had the name, in her family, of a notable manager; and to the useful qualities of "a careful house-mother,"[2] were added others of a higher sort. All that

[1] While Earl David (who must have known where his brothers, and where probably he himself, were born) was still alive, Sir David Erskine identified the house which, he writes, was in 1829 occupied by "Mr R—b—n, the ironmaster." The house is still partly occupied by persons of the same trade. This Mr Robertson, it appears, had become the proprietor of this substantial house, for which he paid the goodly sum of 1295 pounds *Scots* as cess, or land tax.

[2] Her sister, Mrs Calderwood, writes in 1756, "We took post and came to Manningtree, [in Essex] where, for the satisfaction of my Lady Buchan, I must not omit that I drank the best cyder ever I tasted, and it was directly the same taste as what she made at Goodtrees. Her's was so much of the taste of the apple,

is recorded of Lady Buchan shows her to have been a woman of extraordinary intellect, which had been cultivated to a high degree of excellence. She had even studied mathematics under the famous Colin Maclaurin,[1] the friend of Sir Isaac Newton—a rare achievement at that period, and one, the advantage of which she felt in the teaching of her boys, which she is said to have herself undertaken till they were of an age to require more systematic instruction. To such accomplishments were added an elegant taste, with "brilliant imagination," almost genius, and above all, an eminent and earnest piety. Such is the description of Agnes Steuart, left by her eldest son, and amply corroborated by others who may be supposed to have been less partial in their estimate. Verily, Agnes Steuart was a crown to her husband, more to be valued than the double coronet he had inherited.

It is not difficult to understand how the *entrée* to the little establishment presided over by Lady Buchan became a thing to be sought after; and so it was. The society to be met with there was singularly attractive, not only to the friends and neighbours of her own standing, but, as it is recorded, to the leaders of the Parliament House, and of the General Assembly. So that thus early in their lives the two younger Erskines had experience of those classes of society of which they were destined to be the brightest luminaries.

The amount of the income of the Buchan family is stated in the MS. before me, and though small compared with the princely revenues of former times, was a fair sum in those days. So much may be gathered from the fact that, on the death of the earl, his father, the sum that came as Henry's share was

that I did not believe it was true cyder till I tasted this."—*Coltness Collection*, p. 124.

[1] Colin Maclaurin, *b.* 1698, *d.* 1746, was father of Lord Dreghorn, a Judge of the Court of Session. In 1725 he became Professor of Mathematics at Edinburgh, whence he had to retire on the appearance of the Highland Army in 1745, on account of the part he had taken in planning for the defence of the city. His portrait is to be found in the *Iconographia Scotica*.

such as to be a temptation to him to decline an active life, as his son has mentioned. No doubt the other children were similarly provided for.

There can be no doubt that the biographer of Lord Erskine, in his endeavour to enhance the narrative of the rapid rise of his hero, has unwittingly exaggerated the poverty of the Erskine family, and the forlorn condition of their fortunes, and residence. Instead of the half-ruined castle in West Lothian, from which they temporarily removed in the '45, their country residence was, as has been said, the comfortable house of Uphall. While, for the squalid upper flat described as the birthplace of these boys, the substantial house of Lord Buchan should have been indicated. A survey of the exterior of this house shows that it was one of some pretension, even supposing that the family did not occupy the whole building. It has four good windows on each storey, looking out on the High Street, and compares well with the house of their relative, Lady Stair, in the close bearing her name further up the street, or with Sir James Steuart's house in the Advocates' Close. There is no exaggeration in the old song which tells how—

> "Frae *Seton's Land* a Countess fair
> Look'd owre a window hie,
> And pined to see the genty shape
> O' bonnie Mally Lee."

The locality in question is understood to have been a little farther down the street, on the opposite side from the Countess of Buchan's house. The present tenants of the Erskine mansion have a tradition of its former greatness, and of the *débris* of the title-deeds of a former tenant—a certain Lady Mary Hamilton — having been found under the remains of an ancient marble hearthstone. Moreover, it is difficult to see how the company which Lady Buchan is described as receiving could have been entertained in such quarters as Lord Campbell has spoken of. Again, the rearing of the young

Erskines is referred to in the same tone of depreciation, or of pity. Is it necessary to assert that oatmeal porridge is no sign of poverty in Scotland? Had the biographer forgotten, in his long residence in England, the many virtues of that food, "than which," said Leigh Hunt, "nothing in nature is more interesting and delightful," and which, taken with due proportions of the Shorter Catechism, forms a *pabulum* admirably adapted to Scottish nature, intellectual and bodily—the easy digestion of the one compensating, in some measure, for certain tough knots to be found in the other. What better combination, or more likely to breed up a Dean of Faculty, or Lord Advocate? There is deep wisdom, for those who can receive it, in the myth which tells how *Mimung*, the great Sword of the North, attained its unparalleled sharpness from being tempered with *milk and oatmeal.*

The painful complications caused by the Rebellion may be judged of from the experiences in this family. While Lady Frances Gardiner was mourning the death of her gallant husband—who was, as it is believed, cut down by one of Lord Elcho's Highlanders, beside *the thorns* which still remain to mark the spot, those same Highlanders having afterwards ransacked her house of Bankton, and destroyed everything they could find in it—Lady Frances Steuart, Lord Elcho's sister, and her own sister-in-law, could hardly avoid a feeling of satisfaction at the success of her brother's arms.

Lord Buchan's feelings, as has been hinted, were drawn in opposite directions—by sympathy for his sister, and interest in the adventure which Lord Elcho and his brother-in-law had in hand.

At this time the Steuart family consisted of Sir James, the brother of Lady Buchan; her elder sister, Margaret, Mrs Calderwood of Polton; Elizabeth; and the youngest, Marianne, Mrs Murray of Cringletie, mother of Lord Cringletie, a Judge of the Court of Session. Sir James Steuart had in his youth travelled much, and had, it is affirmed, while at Rome made

the acquaintance of several gentlemen, the Duke of Ormond, Earl Marischal, and others, whose views he adopted to some extent, though these were very different from the traditional principles of his family. Moreover, while abroad, he had formed an ardent friendship for Lord Elcho, who took a very prominent part in the '45. Lady Frances Wemyss,[1] the sister of Lord Elcho, was married to her brother's friend, and throughout the lengthened period of exile which her husband suffered she shared his hardships, and was the means of cheering what seemed, at one time, a hopeless banishment and imprisonment.

What was the exact share which Sir James Steuart took in the Rebellion is not clearly shown. It is said that his long absence from his native country was, in some measure, attributable to local party politics. His story is given at great length in the *Coltness Collection*, published by the Maitland Club. A result of his, and his wife's enforced absence, of some fourteen years' duration, was the warm and romantic attachment which was formed between this worthy couple and Lady Mary Wortley Montague, commencing at Venice about the year 1756, and ending only with the life of the once beautiful, brilliant, and eccentric writer. Shortly before her death, in one of the intervals of rest from suffering which the hemlock gave her, she sent for the son of her friends, the young James Steuart, and, having dismissed all who were attending on her from her bedside, took a tender leave of him, as she could not have the comfort of his parents' presence, seeing that the efforts for Sir James's pardon had not yet met with the success she hoped for. The young Sir James Steuart Denham, many years afterwards, printed in a small volume a number of letters written by Lady Mary Wortley Montague, collected, and left by his mother with the following note written on the envelope: "27 letters from Lady Mary Wortley Montague, which are decisive of the

[1] Lady Frances was eldest daughter of James, fourth Earl of Wemyss, and his wife, Janet Charteris of Amisfield.

short acquaintance necessary to the adhesion which generally takes place when superior minds are brought together."[1]

There is, however, a series of letters of a more striking character, connected with the exile of these wanderers. In 1758, partly to alleviate the sufferings of her brother, Mrs Calderwood of Polton, and her husband and sons, with a Scotch nurse, took the serious step, as it was thought in those days, of removing to Belgium and establishing themselves there. The letters which Mrs Calderwood wrote home to her daughter, Mrs Durham of Largo, are not to be surpassed for graphic quaintness by any others in the language. The letters of Madame de Sévigné to her daughter do not more perfectly enable the latter to live into the daily experiences of her mother, than do Mrs Calderwood's, addressed to *her* daughter. By whatever name that quality may be called—whether "clear-headedness," "gusto," or "artistic vision"—which Dr Doran has described as peculiarly the characteristic of the Scotch in the old time, and which led him to compare the recorded evidence given before a Glasgow sheriff, in a case of sudden *twilzie*, to a choice "bit" by Meissonier—Mrs Calderwood had it in a very remarkable degree. There is a sore temptation to place before the reader pages of these most entertaining letters, which only the fear of a charge of irrelevancy forbids the writer to yield to. Mrs Calderwood's description of the abject wretchedness of the passage in a Harwich packet to Helvoetsluys can hardly be paralleled; no item of squalid misery is withheld—till, verily, the case of each individual passenger is before us as we read. Her remarks on English celebrities and manners are in the same graphic style, which we feel to be one of perfect fidelity in narration. Perhaps the

[1] *Original Letters from the Right Honble. Lady Mary Wortley Montague to Sir James and Lady Frances Steuart, also Memoirs and Anecdotes of these distinguished Persons:* Greenock, 1818. A few of these letters, probably the best of them, were afterwards incorporated in Lord Wharncliffe's work on his illustrious relative.

reader will bear with a few paragraphs, only, of these letters. The last of one of the beautiful Miss Gunnings is here foreshadowed—

"They [the English] seem to be good-natured and humane; but still there is a sort of ignorance about them with regard to the rest of the world, and that their conversation runs in a very narrow channell. They speak with a great relish of their publick places, and say, with a sort of flutter, that they shall to Vauxhall, and Ranelagh, but do not seem to enjoy it when there. As for Vauxhall and Ranelagh, I wrote you my opinion of them before. The first I think but a vulgar sort of entertainment, and could not think myself in genteel company, whiles I heard a man calling, 'Take care of your watches and pockets.' I saw the Countess of Coventry [1] at Ranelagh. I think she is a pert, stinking-like [*Scot.*, supercilious] hussy, going about with her face up to the sky, that she might see from under her hat, which she had pulled quite over her nose, that nobody might see her face. She was in dishabile, and very shabby drest, but was painted over her very jaw-bones. I saw only three English peers, and I think you could not mak a tolerable one out of them: Lord Baltimore, Lord Edgecome, and Lord Chomly. Lord Baltimore is sadly married, and parted from his wife because she loves diversions and he loved home; but, ever since they parted, she keeps home, and he goes to every publick place."

Mrs Calderwood was equally severe upon certain of her own relatives—

"Captain Hew [2] and Lady Nell made a good figure here [Brussels]. . . . Lady Nell bought a gown, and quareled with the talior that made it; the Captain bought some cravates,

[1] Lady Coventry (*née* Maria Gunning) died prematurely of the effects, it was said, of an over-application of cosmetics.—*Horace Walpole's Jour.*, 18th June 1757.

[2] Hew Dalrymple of Fordel, fifth son of Sir John Dalrymple of Cranstoun, Bart., married in 1754 Lady Helen, youngest daughter of Earl of Wemyss, and sister of Lady Frances Steuart.

and quareled with the woman that made them, and she scolded him like a tinkler; he bespoke a sute of blonds in a shop, and went off without taking them. In short, he went upon the supposition that, as he was an Englishman, he was supposed to have so much money, that he was to be imposed upon in everything; whereas, the people of this country have as much dealings with the English as with anybody whatever, and deal very much in the English way, at a word, that is, the folks of any business. But there are some folks who gather so much wisdom and experience more than they have use for, by being abroad, that they cannot carry it all, and therefore part often with the useful to keep the superfluous, or else the superfluous renders the rest useless, which I am afraid was the case with the Captain. They lodged in the house we had when we came first; but all the complaints of hunger, cold, and ill-service and imposition, were made to me upon that house."

Mrs Calderwood adds, that in her experience "all the British are more or less *ree-brained* when they come abroad." Another little incident connected with Captain Hew will suffice:

"'I said, when I went in [to the Brussels theatre], that it was a very neat house, but small,' at which Captain Hew took me up with a very great sneer. 'Small,' says he; 'Madam, do you know it is as big as the play-house at Drury Lane?' 'For that I shall not say,' answered I; 'but it is very little bigger than the one at Edinburgh'—at which he gave a prodigious laugh. 'The Scots folk,' says he, 'are so nationall, that they expose themselves by it when they come abroad.' "'I have seen nothing, since you will have it, to make me otherways yet,' says I; 'I think it shall not be to the city of Bruxells that our country need to yeild in building; and in stone and lime, and good will to use it, it need to yeild to none; and I will lay you any wadger that it is not six foot every way larger than what I say; but, if anybody here is to be imposed upon by ornament and novelty,

it should be these children,' says I, 'and not the like of you, and I referr to them, who has seen the other.' They both declared, that when they looked up, it appeared larger; but when they looked down to the arrea of the pit, it was no larger. 'Does not that show you,' says I, 'that the eye is deceived by the height of the roof? for, when that is not seen, the true dimensions appear. But how much do you think, then, it is larger?' 'Oh!' says he, 'forty foot.' 'Forty foot!' says I; 'you are well qualified to build a house indeed! Neither of the two is anything like forty foot.' I was so inraged to hear an old idiot speak such nonsense, that I was resolved to have the dimensions of both taken to confute him; for which reason you will get me that of Edinburgh, from my Lady Breadalban's box to the Dutchess of Hamilton's, and from the front of the stage to the front box, that I may compare them; and likeways the distance from one door of the stage to another, as I have made a guess of this by the curtain. It is made of a red stamped English stuff, which is scrimp three-quarters wide, and there are ten breadths in it, which makes about nineteen foot." [1]

A charge has been brought against both Lady Mary Wortley Montague and Mrs Calderwood of a want of delicacy in certain passages in their letters. Lady Frances Steuart has, here and there, noted in her friend's letters that a few lines have been erased. In truth, she might have erased a few more with advantage. This, however, was, in the case of both ladies, a fault more chargeable upon the times than on the individual writers. When we, in letters such as these, come upon expressions which cause us to open the mouth of astonishment, it should be remembered that it was an age in which Fielding's novels were read by the young, and Mrs Aphra Behn's stories were favourites with the old—in which the plays of Congreve, Wycherley, and Vanbrugh could be witnessed on the stage, we may presume, with a calm countenance.

[1] *Coltness Collection* passim.

So far as Mrs Calderwood is concerned, it may be said that Mr Dennistoun, the editor of the *Coltness Papers*, is almost too careful in his apologies for her in this respect. It will be found that what is complained of is, in reality, little more than the use of one or two homely old Scotch words, which, while they clearly convey her meaning to her daughter—her letters were never meant to be printed—can do no possible harm to any one. Can so much be said for the productions of many of the ladies who write at this hour?

A striking peculiarity of these letters may be noted as, also, attributable to the times, as much as to any fault in the writer. That is the intense bitterness of expression which Mrs Calderwood permits herself to employ with reference to everything connected with the Roman Catholic ritual, with much of which she became acquainted, probably for the first time, while abroad. Her remarks, it cannot be denied, are sometimes characterised by extreme bad taste; so much so, that the careful editor of the *Coltness Papers* has judiciously exscinded the greater part of them. Here, again, it should be borne in mind that these letters were not originally intended to be read beyond the family circle. Also, we should remember that Mrs Calderwood was separated from the Covenanting period, in which her forebears had suffered severely at the hands of that "inexpugnable loyalist" Lauderdale, by only a single life. It is only by so doing that one can, in any degree, understand the malignity of expression in which she, otherwise a kindly gentlewoman, indulges. This fact throws light upon the state of thought prevalent in that age, and shows that the rancorous feelings of the "killing time" were anything but extinct, even amongst the most cultivated, in the middle of the century immediately succeeding that memorable period in our annals.

During Sir James Steuart's period of banishment, Elizabeth Steuart, Lady Buchan's younger sister, commonly called in the family, and out of it, "Aunt Betty"—an excellent specimen of

that thoroughly Scotch institution, the maiden aunt—had also gone to attend her brother, when, in 1762, while he was in daily expectation that his recall to England would reach him, he had been suddenly seized, under a *lettre de cachet*, and conveyed, in defiance of all rule, to the fortress of Givet in Charlemont. His outspoken frankness had exposed him to suspicion. Also he was compromised, it afterwards turned out, by certain mysterious MSS. found in his house. It was long after, when on the conclusion of peace he was allowed to return to his own country, that these objectionable documents, which had so troubled the serenity of the Duc de Choiseul, were found to be certain *Scotch songs* with which their cook, Maudie, had been wont to solace herself during her exile in a strange land. Aunt Betty shared the misery of the French prison with her brother, while Lady Frances hastened to England to represent to the English Government the outrage that had been committed. This excellent lady, Elizabeth Steuart, the much-loved "Aunt Betty," held such a place in the affections of her relatives, and was withal such a strong character, that some further notice of her will be given in due course.

It was not till about the time that the Buchan family were removing to England, that Sir James Steuart was tacitly permitted to return to his own country, where he became distinguished as the author of a great work on Political Economy,[1] perhaps the earliest exposition of that science in this country, as well as of more than one book on Coinage.

Goodtrees,[2] to which Lord Buchan and his wife frequently removed during the absence of Sir James Steuart abroad, had formerly belonged to the Somerville family. The much-persecuted Provost Steuart, father of the Lord Advocate, and friend

[1] *An Inquiry into the Principles of Political Economy:* Lond., 1767. A work largely quoted towards the end of the last century. Conf. *Letters to the Peers of Scotland*, by the Earl of Lauderdale: London, 1794: pp. 87-89.

[2] Goodtrees, now called Moredun, is situated a little to the south of Edinburgh, in the direction of Liberton.

of Bishop Leighton, had acquired it by marriage with his second wife. The fact that the property had come into this family, as had Coltness, was sufficient to arouse afresh ill-feeling in the heart of James, Lord Somerville.

Readers of his *Memorie*, the prolixity of which Sir Walter Scott says has hardly ever been equalled, are wearied by the constant reiteration of the names "Gilmerton, Gutters, and Drum." Could the poor disinherited lord have seen the day when the descendants of the detested Lord Treasurer Mar, and of the despised Sir James Steuart, should, together, occupy the place of his forefathers at Goodtrees, it would have been sufficient to make him *walk*.[1]

While Henry Erskine and his elder brother were here, they enjoyed the great advantage of the friendship of the well-known Sir Alexander Dick of Prestonfield, the distinguished physician, a near neighbour, and a distant relative.[2] Here, in the curiously-laid-out Dutch gardens of this pretty place, the boys amused themselves with the same quaint gods and goddesses (especially the leaden Bacchus) which were made to spout, and afford entire delight, as they did in Henry Cock-

[1] *The great Saltfoot controversy*, it is feared, is almost forgotten, though it ruffled society some sixty years ago. Thus it arose. Lord Somerville, in his *Memorie*, apparently for reasons similar to those in the case of the Earl of Mar, allows himself to make certain remarks derogatory to the Steuarts of Allanton, from whom Provost Steuart of Coltness was derived. Their ancestor, he says, had, in the sixteenth century, been nothing more than a feuar of the Earl of Tweeddale's, in the parish of Cambusnethan, and that until his time (1680), none of the Steuart family had ever sat at the Somerville's table *above the saltfoot*, which "for ordinary, every Sunday, they dined at." These statements were challenged by the author of the *Hist. of Renfrewshire*. Mr John Riddell, the famous antiquarian writer, replied in the fifth number of *Blackwood's Magazine*. Happily it is not necessary to settle the point here whether the Steuarts of Allanton were only "rentallers" of the See of Glasgow, or descendants of Sir John Steuart of Bonkill. The discussion was carried on with great acrimony on both sides in the early numbers of *Blackwood*, and afterwards reprinted.

[2] The Dicks of Prestonfield were descended from a common ancestor with the Erskines—namely, William Stewart of Rosyth, father of Sir Lewis Stewart of Kirkhill.

burn's time, many years afterwards. Earl David writes that it was at Prestonfield that they became acquainted, though still but boys, with several of the most remarkable men of that time in Scotland—among others, Allan Ramsay, in the very last years of his life, David Hume, and Home, the author of *Douglas*, from whom, and from their aged host, they possibly imbibed their first impressions of literature.

Nothing is more striking in the history of the three brothers than the strong love which existed between them, whether as boys or men—a fact in no whit contradicted by the record of boyish quarrels, some of which, as the following instance, are related by Lord Buchan. "In a small room over the stables (at Uphall) passed the early education of Henry Erskine and his brothers, under a tutor called Buchanan.[1] On one occasion a violent squabble occurred between Lord Cardross and the two young ones; he called out, 'When I am Earl of Buchan, I will turn you both out of this house.' On which Thomas answered, 'That you shall not, for I will kill you first,' and he threw a heavy slate at him. Luckily the slate missed its mark: but the amiable intention did not hinder the brothers from being excellent friends throughout the rest of their lives." The room in question is still pointed out, and has an interest for the people of that neighbourhood from its connection with the youth of these remarkable men.

About the year 1760, it seems to have been, that the family removed to St Andrews, on account of the younger boys' university education. Here, as in Edinburgh, Lady Buchan's house became the centre of a pleasant circle of friends, her attainments eminently fitting her for the society of a university town; while Lord Buchan was well known, and equally commended himself to another set, as a stanch supporter of Presbytery. The traditions of his house, as well as his relationship—though only distant—with the "godly

[1] Afterwards a professor in the Glasgow University.

Erskines," Ralph and Ebenezer, the famous Dissenting ministers, who, some five-and-twenty years before had seceded from the Established Church, seeking a model nearer to their ideas of Christian perfection—marked him as a representative man of the then old-fashioned school.

Amongst those who sympathised with Lord Buchan in his devotion to the Church, and who were attracted to him accordingly, was a noted character of St Andrews, a poor "natural" called "Whistle Binkie," one of these harmless creatures who, somehow, were wont at one time to appear in almost every narrative of Scottish provincial life. Perhaps they are better cared for now. As was not uncommon in such cases, this unfortunate had a passion for sermons and Church matters, as well as a large share of cunning, or sagacity of a certain sort, a proof of which was that he attended every Sabbath-day at Lord Buchan's house, where he was sure of a welcome, a good dinner, and the chance of a little Church talk. The Sunday was to him a day of rest, the only one in which the "laddies" cease from troubling; for during every lawful day their pleasure was to persecute him wellnigh to the point of distraction, if the poor creature had not already passed that stage.

One Sunday, after the usual hospitable treatment, the earl, who was a "conversable" man, met him and said, "What for are ye looking so sad the day, Whistle Binkie?"

He replied, "Weel, my lord, the Almighty asked me just the same question yestreen, saying unto me, 'Whistle Binkie, why art thou so cast down?' And I answered and said, 'Because they have thrust me out from the Presbytery of St Andrews, neither will they suffer me to enter therein.' And the Lord said to me, 'Be not thou cast down on that account, Whistle Binkie, for I, the Lord, have been striving to get into the Presbytery of St Andrews this forty year, and I have never won in yet.'"

It is added, somewhat unnecessarily, that neither poor

Whistle Binkie, nor those who repeated the story, had the remotest idea of irreverence in their minds.

An old servant of the family, at this period, is thus mentioned. "Lady Buchan had a housekeeper who regulated all outgoings very rigidly, and called forth the indignation of the boys by often telling them, when some dainty dish was set upon the table, 'Noo, boys, ye're no to tak ony o' yon; I've just sent it up for lo'e o' my lord.'" This frugality on the part of the old housekeeper was probably the cause of the following effusion from the pen of Thomas Erskine, the first specimen extant, it is believed, of those "Threadpaper Rhymes" for which the Lord Chancellor enjoyed a certain amount of fame—

> "Papa is going to London,
> And what will we get then, oh!
> But sautless kail, and an old cow's tail,
> And half the leg of a hen, oh!"

Lord Buchan seems to have entertained the idea, not uncommon in that age, of the use of the disagreeable, as a salutary discipline for young people. Whatever was disagreeable must be right. Without doubt some notion of the mortification of the flesh lurked at the bottom of the theory. At all events "the children disliked veal, so *veal* was ordered every day as part of their dinner, for a long while." It is added, with some shrewdness, "perhaps the tendency towards over-indulgence shown by these children themselves when they became parents, was in some measure to be traced to the over-strictness in such small matters with which they had been brought up."

On the Erskine family settling at St Andrews, Henry and his younger brother,[1] being too young to join any of the college classes, were sent to learn the rudiments of the Latin tongue at the school of a very worthy man, Richard Dick by name.

[1] It is next to certain that Thomas Erskine never was at the High School of Edinburgh, far less *dux*.—See Dr Steven's *Hist. of the High School*, p. 134.

This fact is recorded by a schoolfellow of theirs, and an especial friend of Henry Erskine, Andrew Duncan, who became afterwards a professor at the University of Edinburgh, and somewhat a "character." He took the utmost pride in the friendship of Mr Erskine, and lost no opportunity of referring to their intimacy.

Under the title of *Ludes Apollinares*, Professor Duncan instituted certain gymnastic sports, consisting of golf on Leith Links, swimming, &c., amongst his medical brethren in Edinburgh. In the capacity of scribe to these "filii Æsculapii," he produced from time to time *Carmina Rariorum Macaronicorum*, as he styled them, one of which is a history of his own life,[1] in doggerel rhyme. Such as it is, this poem is the authority for the statement of Henry Erskine having joined a juvenile school in St Andrews, before his entry on college life. Mention is made of

> "Good *Dick* a teacher much respected
> Boys from all quarters had collected,
> And by the powerful aid of taws
> Enforced pedagogic laws.
> . . . It will then suffice
> To name a few whom I much prize,
> *Erskines*, a couple precious more
> Than Britons ever saw before," &c.

"Of all my schoolfellows," adds Duncan in a note, "my earliest, my most intimate, and most affectionate friend, was the elder brother, the Hon. Henry Erskine. My friendship with him commenced when we began together to learn the rudiments of the Latin tongue at Dick's school." [2]

Henry attended the humanity and mathematical classes,

[1] *Fragment of the Life of the Scribus Prætor. conventus gymnastici filiorum Æsculapii institutus Edin.* 1770, *ad celeb. ludorum Appolinarium.*

[2] He names one or two others of their class-fellows at Dick's, who afterwards became men of some mark; Smyth of Methven, their senior, Alexander Macdonald, who afterwards became Lord Macdonald, and his brother, General Macdonald, &c. His *Carmina* are dedicated to Henry Erskine, and to his influence he owed his professorship.

taught by Morton and Gregory respectively. His and his brother's instructor in natural philosophy [1] was Professor Wilkie, "an odd creature, a great friend of Lord Buchan. He was very fond of the boys. When they were recovering from scarlet fever, he visited them in bed, and, to amuse them, began an astronomical lecture, illustrating the motion of the earth on its axis, by twisting himself round on one leg of his chair; the chair slipped, the earth was precipitated under the bed, where its sudden arrival occasioned excessive disturbance, and the lecture closed amidst roars of laughter."

This Professor Wilkie was well known to be absent-minded to an extraordinary degree. Henry Erskine used to relate, that on one occasion Wilkie met in the street one of his former pupils. "I was sorry, my dear boy," he said, "to hear you have had the fever in your family; was it you, or your brother, who died of it?" "It was me, sir," was the reply. "Ah, dear me, I thought so! very sorry for it—very sorry for it."

Professor Wilkie's name was at one time in common talk in connection with the great work of his life, the *Epigoniad*, which his friend David Hume considered "a most singular production, full of sublimity and genius, adorned by a noble, harmonious, forcible, and even correct versification," and thus describes the Epic in a letter to Sir Gilbert Elliot of Minto, dated 3d July 1757. Hume foresaw the time when this great

[1] Lord Campbell mentions that no trace of Thomas Erskine's name could be found on the books of the University, as having matriculated, though Sir David Brewster ascertained that he attended the mathematical and natural philosophy classes of the professors mentioned, during the session of 1762-63. The name of Henry Erskine, however, appears on the books of the United College of St Salvator and St Leonard, where he matriculated as a student, February 20, 1760. I am indebted for this information to the courtesy of Principal Tulloch.

When Thomas Erskine—after his naval and military service—matriculated at Trinity College, Cambridge, in 1776, he was described as a former student of Dick's; "in academia Sancti Andreæ sub præsidio Magistri Dick," the form ran. Richard Dick appears to have been advanced to the dignity of Professor of Civil History in the United College of St Andrews in 1762.

work would render interesting every detail of the author's life. So, he describes to his correspondent the manner in which the work had been produced, as singular as the poem itself. "You know," he writes, "he is a farmer's son in the neighbourhood of this town [Edinburgh], where there are a number of pigeon-houses. The farmers are very much infested with the pigeons, and Wilkie's father planted him often as a scarecrow (an office for which he was well qualified) in the midst of the fields of wheat. It was in this situation that he confessed he first conceived the design of his epic poem, and even executed part of it. He carried out his Homer with him, together with a table, a pen and ink, and a great rusty gun. He composed and wrote two or three lines till a flock of pigeons settled in a field, then rose up and fired at them, returned again to his former station, and added a rhyme or two more till he met with a fresh interruption."

But, alas! in spite of Hume's defence of the poem in the pages of the *Critical Review*, it has become so utterly forgotten, that Dr Hill Burton, in dealing with this part of Hume's correspondence, found it necessary even to explain what the title of the poem means; that the allusion is to Ἐπίγονοι, descendants—namely, the successors of those warriors who had been slain at the first siege of Thebes; whose exploits are celebrated in the epic something in the style of Pope's *Iliad*.

During the whole of 1762, and part of the following year, the two younger brothers seem to have carried on their studies together at St Andrews, good work being mingled with much fun and frolic. We read of Latin, mathematics, natural philosophy, English, "Livy and French" being attacked by these lads, which shows that they had the means of an excellent education placed before them. A very interesting letter, written by Thomas Erskine to his elder brother, then in Edinburgh, shows very graphically the sort of life he and his brother Henry led at this period:—

"*August* 11, 1762.

"My dear Brother,—I received your letter, and it gave me great joy to hear that you were in health, which I hope will always continue. I am in my second month at the dancing-school. I have learned *shantrews*,[1] and the single *hornpipe*, and am just now learning the *double hornpipe*. There is a pretty large Norway ship in the harbour. The captain took Harry and me into the cabin, and entertained us with French claret, Danish biscuit, and smoked salmon; and the captain was up in the town seeing papa to-day. He is to sail on Friday, because the stream is great. Yesterday I saw Captain Sutherland exercise his party of Highlanders, which I like very well to see. In the time of the vacation, Harry and me writes themes, reads Livy and French, with Mr Douglas, between ten and eleven. Papa made me a present of a ring-dial, which I am very fond of, for it tells me what o'clock it is very exactly. You bid me, in your last letter, write to you when I had nothing better to do; but, I assure you, I think I cannot employ myself better than to write to you, which I shall take care to do very often. Adieu, my dear brother, and believe me, with great affection, yours, T. E."

In this letter the writer records what were perhaps his first glimpses of the naval and military professions, of which he was destined, in turn, to make trial before he found himself in the more congenial atmosphere of Lincoln's Inn, ultimately to find himself in his right place as a member of the English bar.

[1] This dance is supposed to be of French origin, or, at all events, its name; *Chantreuse* being held to be the more correct form. But seeing that it is of the nature of a Highland fling, a writer in an old volume of the *Scots Magazine* contends that probably the still more correct etymology may be *Sans trews*.

Recently it was stated in *Notes and Queries*, that the original of this letter is in the possession of the Baron de Bogoushevsky; if it be indeed the original which this gentleman has, it would be curious to know the history of its wanderings.

Prior to their departure from Scotland, the arrangements for sending Thomas Erskine to sea were complete. To his dislike to the career proposed was added a youthful disappointment, mentioned in a letter written by his mother from Uphall. Thus the passage runs: "We received the cloth (and accoutriment) for Tom's clothes, but he was very much surprised to find the cloth *blue* instead of green, notwithstanding what was wrote at first on the subject; although this was a great disappointment, and he thought of sending it back, now he is better pleased that it is so." [1]

Sixty years after this period, when Lord Erskine had become the most distinguished Scotchman of the time, he was fain to look back upon this part of his life, and to recall the "long, lifeless, unadorned street of St Andrews, in which a traveller would read his book as he drove through it," and "the old plastered church wall" where he and his brother played at fives.[2]

A large house on the right-hand side, close to the old Abbey, was long remembered as the Buchans' residence. "Lady Buchan's memory was still green when I was at St Andrews," writes Lord Campbell, "and I was shown a cave [3]

[1] Sir David Erskine's MS.

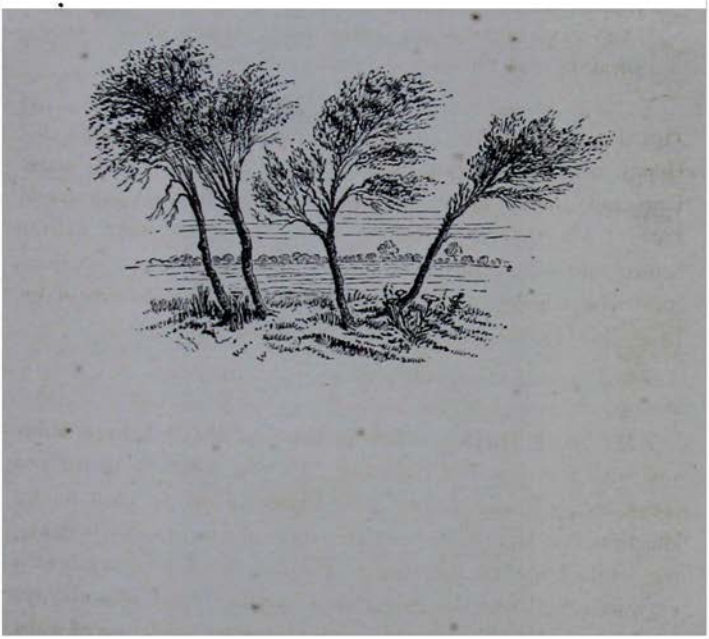
[2] Lord Campbell was inclined to take exception to this description of his favourite city. The following is, however, a sketch at even a later date than that referred to by the Lord Chancellor. "It [St Andrews] consists of one principal street, on both sides of which appear the decaying remains of several houses, once splendid and stately, but now desolate. . . . It has two colleges, a number of well-beneficed professors, and about 100 students. It may contain in all about 3000 inhabitants. . . . Its conviviality is enlivened, and a maudlin consolation is administered to its sorrows by no fewer than *two-and-forty alehouses.*"—*Scotland Described*, New Ed.: Edin., 1799: p. 201.

[3] "Within the ocean cave to pray,
Where good St Rule his holy lay
From midnight to the dawn of day,
Sang to the billows sound."

"A cave nearly fronting the ruinous castle of the Archbishop of St Andrews

on the sea-shore in which she used to drink tea and make her toilet when she bathed." It is still called Lady Buchan's Cave.

bears the name of this religious person. It is difficult of access, and the rock in which it is hewn is washed by the German Ocean. . . . At full tide, ingress and egress are hardly practicable."—Note to *Marmion*, quoted in Lyon's *Hist. of St Andrews*.



CHAPTER III.

THE ERSKINES AT BATH—OLD EARL'S LETTERS—GARRICK—LADY STAIR AND DOUGLAS CAUSE — WHITEFIELD AND LADY HUNTINGDON — RALPH AND EBENEZER ERSKINE — MIDSHIPMAN'S LETTERS — LORD CHATHAM—EARL'S DEATH — HENRY AT EDINBURGH UNIVERSITY—VERSES—MARAT—ADVOCATE—OLD LAW CUSTOMS—STYLE AT THE BAR — ANECDOTES — SIR JAMES COLQUHOUN — ENSIGN THOMAS ERSKINE—HIS SERMONS AND VERSES.

THE family removed to Bath towards the end of 1763. Henry was left at Edinburgh, whence he went to Glasgow University, and afterwards paid a visit to his parents at Bath. The following letters from his father were written before and after this visit. The first refers to an accident, from which he seems to have suffered all the remainder of his life—the breaking his leg by a fall down-stairs:—

"WALCOT, *Sept.* 13, 1763.

"MY DEAR HARRY,—This is the first letter I have wrote you with my own hand since I left you, which I assure you is not owing to any neglect, for I have allways the most tender affection for you, and you are very much in my thoughts, but while I was on the road to London, tho' I kept my health very well, and was the better for travelling, yet I was allways so fatigued at night with the pain of my leg, and its awkward posture in the chaise, that I was more fit for repose than for

writing. At London I was not very well, and since I came here I have been in such constant hurry and turmoil. Besides I look upon Lord Cardross's writing to you as the same thing, as if I did it myself . . . and you must observe the directions and advices as coming from me. Tom has likewise been a very faithful correspondent to you, tho' I think you have been somewhat lazy to him, and seem allways to be in a hurry; now I must beg it of you, not to indulge yourself in a laziness to write while you are young, for it will grow upon you with age. I need not describe this place to you, it has been done so fully already, it is indeed a very pleasant one, and has a very fine prospect. Whatever you have occasion for, Mr Inglis[1] will provide you, and I hope you apply yourself to what you are learning at Edinburgh, as you will soon go to Glasgow, directions for which shall be sent in proper time. Pray write me from time to time whatever you hear about the Douglas cause. . . . Your Aunt Betty writes she has sent you two dozen of franks, and Mr Craig has sent you as many from London, so if you are a good guide you are provided for a long time.—I am, my dear Harry, your ever affectionate Father, BUCHAN."

The next letter is dated Walcot, 6th March 1764, and directed to the student at Glasgow: "I can assure you, you are continually in my mind, and the good accounts I have frequently of you, indear you more and more to me. You may therefore (if you continue to behave well) depend upon every good thing I can do to you. I have allow'd you to learn to draw, and will be desirous you should have every accomplishment that is proper for you. I have had a letter from Tom at Spithead, by which I have the pleasure to hear that he has been very well, that he has never been sick, and has been at the Topmast head, and that everybody has been very kind to him. I pray God to take care of him, and bring

[1] His agent.

him safe back. I am at present not well, have got Rheumatick pains, and a dissorder in my Stomach. . . . I believe I have receiv'd all your letters, for which I thank you, and they were very agreable to me."

It appears from the records of Glasgow College, that Henry Erskine's name was enrolled on the "Album" in the year 1764, in order that he might vote at the election of Lord Rector. He had entered the university apparently in the preceding year, but had omitted the formality of having his name inscribed in the book, and complied with it in 1764, for the purpose of acquiring a right to vote. The following is the entry:

"MDCCLXIV. Norma discipulorum in quacunque facultate qui prius in Album Academiæ inscripti non fuerunt, quique nunc demum inscribuntur, ut jure suffragii ferendi gaudeant in Rectore Magnifico juxta Academiæ statuta eligendo."

". . . *Henricus Erskine*, filius natu secundus viri adprime honorabilis Henrici, Comitis de Buchan."

Four other students seem to have been thus dilatory in recording their names. One of these is William Hervey, only son of the Hon. Thomas Hervey, brother of the Earl of Bristol.[1]

The most remarkable of the professors at this period, whose classes Henry Erskine must have attended, were Adam Smith and James Moor. The former left the College in the year of Erskine's tardy enrolment. He resigned his chair on receiving an invitation from Charles Townsend, who had married Lady Dalkeith, to accompany the young Duke of Buccleuch on his travels. *The Wealth of Nations* did not appear till 1776, nine years after Sir James Steuart's work on Political Economy.

To James Moor, Professor of Greek, is probably due the

[1] Mr R. C. Jebb, Professor of Greek in the University of Glasgow, very kindly took the trouble to extract these details from the books of the College. It is noticeable that in the College Album the form "adprime honorabilis" is used for "Right Honble.;" and "admodum honorabilis" for "Honble."

credit of having fostered in his pupil the taste for Greek literature for which he was remarkable. It is understood that Moor's Greek Grammar was used in the College of Glasgow until a recent period.

Henry Erskine's visit to Bath occurred before the date of the next letter. Garrick was at that time at Bath, in the height of his popularity, and Henry Erskine remembered frequently meeting him at his father's table,—a circumstance which should be remembered as creditable to the old earl's large-mindedness, especially when it is recollected that he was in a set not likely to sympathise with him on this point. The idea of "actors living like persons of quality" was considered "scandalous." "That Garrick," Mr B——, a friend of Mrs Thrale's, thought—was "an entertaining fellow enough. But common-sense, madam, common-sense, is against that kind of thing."[1]

Thus the earl wrote—

"WALCOT, *Janry. 14th*, 1766.

"MY DEAR HARRY,—I had the pleasure of yours of the 29th of Decr., for which I thank you, as well as for the other letters I have receiv'd from you, and which have all been very aggreable to me, as they are wrote with more ease, and more correctly than before you was here, and likewise with that frankness and familiarity I allways love in the letters of my children. . . . .. Here has been a great deal of fine company this season, but I was not allways able to go among them. Mr Pitt was here for five weeks, I saw him frequently both at his own house and . . . [here the letter is torn] . . . Mr Cooke has been troubled with an ague these two months, Lord and Lady Tracy are here at Bath, Mr Clootwick and his Family are well, as is Gideon, who never forgets you, he has bought the fine house in the Square, which perhaps you may remember has a large court before it, we din'd there four days agoe, and had two dishes I never saw before, one was a wild Turkey a very

[1] See *Diary and Letters of Madame D'Arblay.*

fine fowl indeed; the other was a fine soup made of the famous Chinese Birds' nests. They wish'd you had been of the company. Mr Dinwiddie has given up Lord Fane's house, and bought a very good one in Milson Street. . . . I send you enclos'd a Frank. I hear the french proof of the Douglass cause is extremely voluminous."

The story of the Douglas cause, in which the Erskine family were interested, is too well known to need much mention.

Henry Erskine—says his son—never considered the evidence in the Stewart case satisfactory, although a different opinion was held by many excellent lawyers. Upon the whole, public opinion seems to have been strongly in favour of the validity of Lady Jane Stewart's claim. We may gather so much from the description of the manner in which the news of the decision in the case was received in Edinburgh, as also from the many curious pamphlets and "broadsides" that appeared. Pity for Lady Jane, and regard for the ancient house of Douglas, seem to have had as much weight as study of the evidence.[1] Islay Campbell (of Succoth), who at a later period succeeded Henry Erskine as Lord Advocate, it is recorded, had ridden down from London, outstripping the post by means of a fleet horse: he rode straight to the Cross, and there, waving his hat in the air to the expectant crowd, shouted "Douglas

[1] One of these pamphlets is remarkable—namely, *The Fate of Julia: an Elegiac Poem in two Cantos, Sacred to the memory of L—dy J—n D—g—s* (London, 1769)—inasmuch as it is prefaced by a dedication to an imposing list of persons, including Sir Islay Campbell and other lawyers, who may all be presumed to have been sympathisers. The following is a sample of the other class of literature—

"Behold each face bedeckéd with a smile,
Both high and low within our Scottish Isle,
The very infants, though in years but young,
Rejoice because the *Douglas* cause is won."

—See *Sentence of the High Court of Parliament in favours of the right Honourable Archibald Duke of Douglas, &c., on Monday the 27th Feb^{y}.* 1767.

for ever!" when he was at once seized and carried in triumph, amidst general rejoicing, to his lodging in St James's Court.

An aged relative of Lady Buchan's figured somewhat prominently in connection with the Douglas case at an early stage of its progress, when, apparently, the question of succession had arisen before the death of the Duke of Douglas. Old Lady Stair, a second cousin[1] of Lady Buchan's, was a very remarkable example of the Scottish gentlewoman of the old school, privileged from her age and position to say and do things that were not permitted to ordinary mortals. Her Scotch was of the strongest, and her language, it is said, not of the most refined description. Nevertheless she was an acknowledged leader of fashion, and her tea circle, which she entertained at her house in the close in the vicinity of the Lawnmarket, comprised the genteelest company in the town.

[1] The exact relationship was this: Lady Buchan's mother, Anne, was niece to Janet Dalrymple, as has been already said; also to John, first Earl of Stair, who is associated in people's minds with "Glencoe;" his son John, second Earl, who distinguished himself in Marlborough's campaigns, and is known as Field-Marshal Stair, succeeded in marrying the lady in question, Eleanor, widow of Lord Primrose, and daughter of the second Earl of Loudoun, by a stratagem which spoke more for his generalship than for his good taste. The lady is said to have been barbarously treated by Lord Primrose, and did not—maybe—care to run a second risk. Her story forms the subject of Scott's novel, *My Aunt Margaret's Mirror.*

The connection between the Erskines and Dalrymples is shown more clearly, thus:—

James Dalrymple, Lord President, 1st Viscount Stair. = Margaret Ross, of Balneil.

- John, 2d Viscount, cr. Earl of Stair, Lord Advocate, and Secy. of State.
  - John, 2d Earl of Stair, K.T., Field-Marshal, m. Eleanor, widow of Lord Primrose.
- Sir Hew, of North Berwick, Lord President.
  - 1704. Anne, = Sir James Steuart, of Coltness, Sol.-General.
    - Agnes Steuart, of Goodtrees. = Henry, 10th Earl of Buchan.
- Janet, "Bride of Lammermoor."

The incident here recorded is given by Chambers as having occurred in 1752. It seems that Lord Dundonald had, in the strictest confidence, mentioned to the Duke of Douglas that Lady Stair had stated her disbelief in the birth of Lady Jane's sons, and considered the aliment which Lady Jane got from the Duke on their account a waste of money—or words to that effect. Lord Dundonald supported this story in a letter to the Lord Justice-Clerk, adding that he gave "the world leave to think him a —— villain if he did not speak the truth." Shortly afterwards the Countess of Stair heard of what she had been accused. Without loss of time, she, to have the matter out, took her staff in her hand, and having called for her chair, and attended by her black servant, desired to be carried instantly to Holyrood House, where the Duke and Duchess of Douglas were lodged. The meeting was stormy, as might have been expected. The closing scene is thus described. The old lady came forward into the anteroom, and there, before the Duke and Duchess and attendants, declared that she had lived to a good old age, and had never till now "gotten herself mixed up in any *clatters;*" she then struck her staff distinctly three times upon the floor, and thrice declared the Earl of Dundonald (according to his own phrase) to be "a d——d villain;" after which her ladyship swept out of the room, leaving blank faces and consternation behind her.[1]

It was probably no idea of the gaiety or sociality of Bath that led Lord Buchan and his family to take up their abode there, but rather the attraction of a "highly favoured city," where

[1] Lady Stair lived to a great age, which her friend Lady Mary Wortley Montague was inclined to attribute to her having been of a hysterical temperament in her youth. Thus she wrote to Sir James Steuart: "I have seen so much of Hysterical complaints, though Heaven be praised I never felt them, I know it is an obstinate and a very uneasy distemper, though never fatal, unless when Quacks undertake to cure it. I have even observed that those who are troubled with it commonly live to old age. Lady Stair is one instance. I remember her screaming and crying, when Miss Primrose, myself, and other girls were dancing two rooms distant."—See *Original Letters.*

the plain, old, simple, unfashionable Gospel was preached in purity, under the auspices of George Whitefield and Selina, Countess of Huntingdon. At the time in question, Lady Huntingdon's "Connexion" had been established for some years, and was now in a very flourishing condition. No doubt the good old lord saw in the Calvinistic tenets which were characteristic of this section of the Methodist body, and the system of Church-membership obtaining in Lady Huntingdon's party, the nearest approach to his own ideas of doctrine and Church government that he was likely to find in the Church of England. Moreover, the acquaintance of the Erskine family with both Lady Huntingdon and Whitefield is likely to have influenced the earl in his choice of Bath as a residence. His sister, Lady Frances Gardiner, had been, for years, a friend and correspondent of Lady Huntingdon; and when Whitefield paid his first visit to Scotland he had made acquaintance with, and been kindly received by, more than one member of the family.

Indeed the first invitation to Whitefield to come to Scotland was from the earl's "far-away cousins," the well-known Ralph and Ebenezer Erskine, who had but recently seceded from the Church of Scotland. They strongly pressed Whitefield to come to Dunfermline and preach, though they said he would find the Scotch "lifeless, lukewarm, and upsitten." Whitefield came to Edinburgh, but would neither preach nor stop till he had reached his hosts at Dunfermline. But a heavy disappointment befell them, for when they looked that their guest should have opened the thunders of his eloquence in execration of the demon, Patronage, and in praise of the Solemn League and Covenant, they found that he literally cared for none of these things, and that his one fixed idea was the saving of souls; and that so far from confining his preaching to the sect originated by the Erskines, he was ready and willing to preach in the Pope's pulpit, if his Holiness would lend it to him.

Then the painful fact became apparent that a snake had

been invited to Dunfermline. It is, in truth, not altogether pleasant to read of the doings at this juncture, of these really most excellent men, the Erskines, though the quarrel was ultimately "made up." Finding that Whitefield could not be got to join their party exclusively, they had recourse to the old expedient of "a fast, and humiliation," as a protest against the success of Whitefield's preaching, and "in attonement for the fond reception" accorded to him. The "Act of the Associate Presbytery" directing this movement is characterised by the worthy Mr Robe of Kilsyth as "the most heaven-daring paper that hath been published by any set of men in Britain these three hundred years past." Whitefield's work was stated to be nothing but a "diabolical delusion." While such was the reception given to him by some of the Erskines,[1] nothing could

[1] The extent to which these good men were wont to carry their pulpit influence in political matters, is shown by a passage in an unpublished MS. letter of James Erskine, Lord Grange, to the Marquis of Tweeddale, regarding election affairs at Dunfermline: "The two ministers [Ralph Erskine and Wardlaw] it seems dealt a good dale among their people, and gave very broad Hints in the Pulpit of their duty to be publick-spirited, and not to partake of other men's guilt, wch they must do if they did not employ their interrest heartily to bring in such as they had reason from their former conduct to believe sincere friends to their King and Country, and to our Civil and Sacred Rights, Liberties and Priviledges, and if they did not oppose all who, under any pretence or temptation whatsoever, they should see going in with our oppressors. The Captn. [Halket of Pitferran] took this to himself, and went to each of them. Erskine put it to him roundly, whether he was in any Concert with E. Islay? He could not deny it, and for his vindication alleadged the Promise he had given. Erskine replied that such a promise was dishonourable and sinfull; and that the Captn. would not, as he had stated himself, expect the concurrence of any honest man. The Captn. in defense of standing to his Promise, urged the example of Herod, who, tho' reluctantly, kept his word to Herodias, and beheaded John Baptist. Erskine answered to this purpose: 'Fy upon the Tyrant! why did he not gar scourge the —— and switch her out of his Court, and honestly break the sinfull filthy promise he had made like a villain?' Wardlaw us'd no less freedom with him. He is in a prodigious Rage at both."

The writer, the Honourable James Erskine of Grange, was the same who, from incompatibility of temper with his wife, caused her, with the help of old Lord Lovat, to be deported and kept a prisoner at the Island of St Kilda.

exceed the kindness with which he was entertained by others of the family. Many of the Scotch nobility, it is recorded, received him most graciously; foremost amongst those were Lady Frances Gardiner, and Lady Jean Nimmo, who, as also her husband, was a connection of the Erskines.

It will thus be understood that when these determined to remove for a time to England, it was to Bath that their steps naturally turned, as to a home where they were sure of a cordial reception. Nor were they disappointed. There, some of them formed friendships which lasted till their lives' end. Especially was this the case as regards the eldest of the family, Lady Anne Agnes Erskine, who was at this time in her twenty-fourth year, and who, according to her own description, after experiencing the unsatisfactory nature of a life spent in fashionable follies, and amongst those whose "frivolity and love of pleasure left no place for matters of more solemn consideration," was charmed to find amongst the elder members of the Hawkstone family, and above all in the society of Lady Huntingdon, a companionship perfectly suited to her tastes.

It was at this period that the midshipman's letters from foreign parts began to arrive. These are interesting as showing a certain diffusiveness of style in the youth, which afterwards became a strong characteristic in the man.

From the Honble. Thomas Erskine to Lord Cardross.

"KINGSTON IN JAIMACA, *July* 1764.

"MY DEAREST CARDROSS,—I wrote to you about 10 days ago, giving you some small account of what I had seen here. I am still here with Doctor Butt, but shall sail now in about 10 days. He is appointed Physician general to the Militia of the Island of Jaimaca by his excellency Governor Littleton, whom I waited upon at Spanish Town along with the Doctor some days ago. He is a very Affable, agreeable man as I ever saw, and a man of great learning.

"The longer I stay in the West indies I find the Country more beautifull and the Climate more agreeable, I could not help smiling when Mama mentioned in her letter how much reason you had to be thankfull that you gave up your Commission, or you would have gone to the most wretched Climates in The Earth. I don't know indeed as to the rest of the West indian Islands, but sure I am If you had come here you would have no reason to repent of it. To be sure To stay here too long might weaken a Constitution tho' hardly that, but for to stay here some time is extremely desirable. As for me I have great reasons to like the West indies, I have never had an hours sickness in them, never enjoyed better spirits, and found in them as good a friend as ever I desire to meet with, as I mentioned in my last letter: she supplies the place of a mother when at a distance from all my relations, and behaves to me in every respect better than many relations whom from their kindred to my parents ought to do. That is a great Advantage especialy when one is in a foreign Country.

"I suppose you will be by this time thinking of going abroad, as it draws near the time you intended going, I suppose you will go first to Italy, remember to write me from these places, you will have many oppurtunities when you are in portougal or Spain as they have great Trade with the west indies so that I expect you wont forget the poor *Pots.* For I assure you he always dearly remembers his own *Cowly.*

"I begin now to draw indifferently, I am studing Botany with Doctor, so I will bring you home drawings of all the Curious plants, &c., &c., and every thing that I see, I have sent Mama home a land Turtle to walk about Walcot garden, it is very pretty particularly its back which is all divided into square lozenges, and the shell is as hard as a coat of mail. If you have got any thing that you want to send me you need only direct it to Dr Butt in the same manner as you direct letters and put it in to a merchant man bound for the West Indies and it cant fail coming safe. Dr Butt desires his best compts.

to you and will be obliged to you if you will send him out such a profile of you as you copied from Mrs Hoars. Pray give my compts. to all I know, and believe me to be, my dear Cardross, your affectionate brother, THOMAS ERSKINE."

Extract of a letter from the Hon. Thomas Erskine, Esq., of his Majesty's ship the Tartar, to the Right Hon. Lord Cardross, dated at Pensacola, September 8, 1765.

"This comes by the return of the transports, now in this harbour to England, with the 22d and 34th Regiments of Foot, which have been for these two years past in West Florida. This desert, barren, uncultivated land, which was last year tolerably healthy, is at present remarkably otherwise. The young Buffs, lately arrived, have already lost 120 men, a great part of whom were destroyed by the scurvy. Brigadier-General Baquet died here last week of the yellow fever.

"In the afternoon, a few hours before we saw the coast of Florida, it became very calm, and began to thunder and lighten, increasing for the space of an hour, coming nearer and nearer with immense violence. I was standing near the foot of the mizen-mast, on the quarter-deck, when, without either hearing the thunder or seeing the flash, I was knocked down by the lightening, which struck me on the arm, giving me intense pain for some time; four people were beat down at the same moment, and in the same manner.

"When I recovered from the shock, I went below deck, and had my arm chafed with spirits; but had not been down a minute when we heard a noise equal to all the guns of the ship exploding at once. This shock of lightening or electricity, destroyed, in an instant, the main-mast, the main-top-mast, main-top-gallant mast, and mizen-top-gallant mast, tearing them in a million of pieces; large splinters flying all round

the ship for many yards distant; the sails blown in as many pieces or shreds, streams of electric fire rushing at the same time down to the bottom of the ship. In short, never was anything more tremendous! And I am afraid we shall find it very difficult to get a mainmast here, as there are no trees long enough of a sufficient thickness.

"Captain Curtis of the *Berry*, who is arrived at Plymouth from Pensacola, with part of the 22d Regiment on board, says, that when his ship lay in the Bay of Mobile, a flash of lightening split and tore in pieces his fore-mast, fore-top-mast, and both top-gallant-masts, burnt his sails, made its way into the hold, split several of the forecastle deck-planks, forced the oakham out of the seams, and left such a prodigious quantity of sulphureous matter issuing from the hatchways, as to deprive the men of their senses; at the same time the *Prince Frederick*, Hanning, had her main-mast, and fore-top-masts split. Captain Curtis sailed from Pensacola the 17th of September, with eight sail of ships, and parted with them the 16th of October in latitude 30.0, long. 75.0 from London, all well."

The above letter was deemed so excellent at the time it was received from the "middy," that extracts from it were printed in the *St James's Chronicle* of December 5, 1765.

"KINGSTON IN JAMAICA, *February* 18, 1766.

"MY DEAREST BROTHER,—I need hardly use any arguments to convince you of my impatience to hear from you when I assure you that the latest letters I have had from you or any other of the family were dated the beginning of July last, which is upwards of seven months from the present time. But as I have so long experienced your punctuality in writing, particularly at this distance when a letter is a double pleasure and satisfaction, I rather impute it to the

carelessness of the post-office, which I have often detected, than to your forgetting me, which I never had any reason to imagine from that or any other circumstance. But I forget myself when I talk of seven months; I had the pleasure of seeing your lordship this morning at Doctor Butts, but whether it was from the antiquity of your dress, the appearance of your hair, or perhaps the bad effects of change of climate, or some other hidden cause, I don't know, but you looked worse than ever I saw you. But to be more plain, if the print is an exact representation of the original painting, Mr Reynolds has by no means flattered you.[1] I think it is a very fine print, though I could have wished they had studied the likeness as much as the fine execution. The doctor is of the same opinion, he thinks it like but by no means favourable. You have the satisfaction of being in one of the most elegant rooms I have seen in this island (which I would not have you have a small idea of) and in very agreeable company; you seem to be paying your addresses to Lady Waldgrave, and are in the presence of the Holy Family by Raephael and Rubens, and according as you are in spirits or melancholy, you have comedy and tragedy, with their great supporter, Mr Garrick, to indulge your different ideas. . . .

"I enjoyed a very pleasing sight the day before yesterday by calling upon old Mr Reez a little after his receiving yours and his son's letters from England, the joy of an affectionate father looking at the unexpected though merited successes of his son,[2] and the seeming pride, joy, and satis-

[1] The portrait of the eleventh Earl of Buchan, by Sir Joshua Reynolds, 1765, in a blue satin doublet and lace, from which this was an engraving, is now at Ammondell.

[2] "One Mr Riz, a Jew, is lately come from Jamaica, a man of great genius in astronomy, mechanicks, and many of the arts. He has made many important discoveries in the art of dyeing: and has also found out a soap (an extract of Jamaica vegetables) which washes linen in sea-water and hard water, as well as in soft water. . . . It is certainly a great and important discovery."—(Letter of

faction that shone upon the countenance of his mother, which near 70 years had deprived of a good deal of its lustre, was to me more agreeable than the forced exertion of the different passion in the face of the most eminent acter in the finest tragedy, as it showed in so strong a degree the attachment implanted in human nature towards their own offspring. As there are some ships arrived to-day, I am going to the post-office to look for letters, which I hope I shan't be dissappointed in. I write Papa and Mama by this opportunity. I never have received but one letter from Harry since I left England, and that a year and a half ago. I always wrote him by the Glascow ships. Give my duty to Papa and Mama if this letter finds you at Bath, and love to Lady Anne and Isabella; Harry, I suppose, is in Scotland. Adieu, my dearest brother, and believe me to be your ever affectionate brother and sincere friend, T. ERSKINE."

The Earl of Buchan, it appears, was much hurt at not being able to obtain a commission in the Guards for his eldest son. There was an idea that, for some reason unexplained, the Buchan family were not in favour with Lord Bute, or his Government, consequently he requested of Baron Mure that he would use his influence to procure a commission in "an old regiment" for his son. He ultimately joined the 32d, Cornwall Regiment of Foot — then known as "Leighton's regiment"—in which he served for a few years.

Sir James Steuart having been only tacitly allowed to return to this country, his nephew writes to Mr Pitt in

E. M. da Costa, clerk to the Royal Society, in Nichol's *Illustrations of Literature*, p. 793.) David Riz was elected F.R.S. June 5, 1766, but was expelled in 1783, for non-payment it is presumed, the soap scheme not having been successful.

I am indebted to Mr Edward Solly, F.R.S. for these details, He is puzzled—and no wonder—at Lord Cardross's theory of literary paternity. "Compliments to my son David Riz," appears in a letter from his lordship to Mr La Costa. Horace Walpole, writing to Lord Buchan, December 1, 1781, expresses admiration of the doings of his lordship's "adopted children."

the hope of interesting the minister in his uncle's behalf, at the same time conveying intelligence of the failing health of his father, the old friend and college companion of William Pitt :—

"WALCOT, NEAR BATH, *June* 9, 1766.

My dear father has been greatly indisposed of late, and is at present confined to his bed by a fever. His brother-in-law, Sir James Steuart, has been with him—an unfortunate person, by one false step taken even against his true principles very early in life, but a man of consummate sagacity, great experience, and profound learning. . . . This ingenious uncle of mine told me one day, in conversation, that after having lived fifty years, and gone through almost all the geographical and literary world, three things only had surmounted his most sanguine expectations—the amphitheatre at Verona, the church of St Peter's at Rome, and Mr Pitt in the House of Commons."

In the same letter in which Lord Cardross informs Mr Pitt of the illness of his father, he writes: "A brother of mine is just arrived from our colonies of East and West Florida, and gives me but a very unfavourable account of the capabilities of these colonies. . . . He brought me likewise a curious account of a Negro Conqueror who has subdued a great part of Africa, lying near our settlements, and has occasioned the building of our new fort on that coast. He carries eight Arabic secretaries, who record his feats in that language. My brother has also conversed with Commodore Byron's [1] officers, and confirms the accounts of the Patagonian Giants."

Horace Walpole, whose sentiments regarding everything

[1] Commodore Byron had just (1766) returned to England from his disastrous voyage round the world. His *Narrative of Sufferings on the Coast of Patagonia*

Scotch are well known, thus records his impression of the good lady he met at Bath: "There was," he writes,[1] "a Scotch Countess of Buchan carrying a pure, rosy, vulgar face to heaven, and who asked Miss Rich if that was not the *author of the Poets.* I believe she meant me and the "Noble authors."

Shortly before the death of the Earl of Buchan—that is to say, in October of the preceding year—Pitt had interested himself to obtain for the son of his old friend a post in the diplomatic service of the country, wherein his acknowledged abilities might find a suitable sphere of action. Lord Chatham writes, by his secretary, to Lord Shelburne—

"BATH, *Sunday, October* 12, 1766.

". . . Lord Chatham is extremely sorry that the embassy to Spain still remains unsettled. Sir James Gray would undoubtedly execute the commission with very sufficient ability; if therefore he is willing to go, it seems almost advisible on the whole to think of him for that Embassy, if it be his Majesty's pleasure. . . . If in settling this mission circumstances should allow of it, Lord Chatham would be happy could he be permitted to recommend the secretary to the Embassy, which he has extremely at heart to obtain for Lord Cardross. He is a young nobleman of great talents, learning, and accomplishments, and the son of the Earl of Buchan, an intimate friend of Lord Chatham from the time they were students together at Utrecht."[2]

It has been noticed that the last sentence of this letter affords evidence of the fact that Lord Chatham received

appeared in 1768. To his proverbial ill-luck his illustrious grandson alludes in the beautiful epistle to his sister—

> "A strange doom is thy father's son's, and past
> Recalling as it lies beyond redress.
> Revers'd for him our Grandsire's fate of yore—
> He had no rest at sea, nor I on shore."

[1] To John Chute, Esq., dated Bath, 10th Oct. 1766 (see *Letters*, v. 16).

[2] *Correspondence of Lord Chatham.*

part of his education at Utrecht, a circumstance not alluded to by any biographer prior to the date of the publication of his correspondence. Elsewhere Earl David has written: "At Utrecht my father and Pitt lived together with Mons. and Madame de Vion; they were almost inseparable."

Though duly gazetted to the office of Secretary to the Spanish Embassy, Lord Cardross, it is alleged, declined to proceed with Sir James Gray to Madrid, for the scarce-satisfactory reason that the Ambassador was a person of inferior social rank. This circumstance was the cause of much curious theorising. There, no doubt, was some foundation for the plea: Horace Walpole states, in a letter to Sir Horace Mann, that Sir James's father was first a box-keeper, and then a footman to King James the Second. It is recorded by Boswell that in discussing the merits of this question with Sir Alexander Macdonald, Dr Johnson observed that perhaps in point of interest the young lord did wrong, but in point of dignity he did well. Sir Alexander held he was altogether wrong, and contended that Lord Chatham meant it as an advantageous thing to him. "Why, sir," said Johnson, "Lord Chatham might think it an advantageous thing for him to make him a vintner, and get him all the Portugal trade; but he would have demeaned himself strangely had he accepted of such a situation: Sir, had he gone Secretary, while his inferior was Ambassador, he would have been a traitor to his rank, and family!" This excessive regard for the demands of "family," counselled by the great man, is perhaps only to be paralleled by another utterance of his hardly less profound—

> "If the man who turnips cries,
> Cry not when his father dies,
> 'Tis a proof that he had rather
> Have a turnip than his father."

Upon this discussion Mr Croker is reported to have "neatly observed,"—"If this principle were to be admitted, the young nobility would be excluded from all professions, for the

superiors in the profession would frequently be their inferiors in personal rank. Would Johnson have dissuaded Lord Cardross from entering on the military profession because at his outset he must have been commanded by a person inferior in personal rank?"[1] Any rejoinder, if made by Dr Johnson, has, unhappily, not been handed down to us.

Mr Rouet of Bel Retiro (originally called Auchendenan) on Loch Lomond, a Professor of Church History at Glasgow University, writes to his cousin, Baron Mure, on 10th of February 1767: "Cardross does not go to Spain because of the bad state of his father's health."[2] This seems a much more reasonable theory than that discussed by Dr Johnson and others at the time.

Not long after this the old Earl died at his house at Walcot, attended to the last by his wife and children (except Henry, who was in Scotland), and his friends in the Church he had joined. These latter made a great occasion of the poor old Earl's death. The narrative, in Mr Whitefield's words, is very curious:—

"All hath been awful, and more than awful. On Saturday evening, before the corpse was taken from Buchan House, a word of exhortation was given and a hymn sung in the room where the corpse lay. The young Earl stood with his hand on the head of the coffin, the Countess-Dowager on his right hand, Lady Anne and Lady Isabella on his left, and their brother Thomas next to their mother, with Miss Orton, Miss Wheeler, and Miss Goddle on one side; all the domestics, with a few friends, on the other. The word of exhortation was received with great solemnity, and most wept under the parting prayer. At ten the corpse was removed to good Lady Huntingdon's chapel, where it was deposited in a place railed in for that purpose, covered with black baize, and the usual funeral concomitants, except escutcheons. On Sunday morning all attended in mourning at early sacrament. They

[1] Boswell's *Life of Johnson*, iii. 211.

[2] *Caldwell Papers.*

were seated by themselves at the foot of the corpse, and, with their head servants, received first, and a particular address was made to them. Sacrament ended (and a blessed sacrament it was), the noble mourners returned to good Lady Huntingdon's house, which was lent them for the day. At eleven, public service began. The bereaved relations sat in order within, and the domestics around the outside of the rail. The chapel was more than crowded; near *three hundred tickets*, signed by the present Earl, were given out to the nobility and gentry to be admitted. All was hushed and solemn. Proper hymns were sung, and I preached on these words—'I heard a voice from heaven, saying unto me, Write, blessed are the dead that die in the Lord.' Attention sat on every face, and deep and almost universal impressions were made. The like scene, and, if possible, more solemn, was exhibited in the evening; and I was enabled to preach a second time, and a like power attended the word as in the morning. Ever since there hath been public service and preaching twice a-day. This is to be continued till Friday morning; then all is to be removed to Bristol, in order to be shipped for Scotland. . . .

"For five days together we have been attending at the house of mourning. Many, I trust, are obliged to say, 'How dreadful is this place!' Such a like scene I never expect to see opened again on this side eternity. Congregations very large, attentive, and deeply impressed. Surely the death of this noble Earl, thus improved, will prove the life of many. He had great foretastes of heaven; he cried, 'Come, Holy Ghost!' He came, and filled him with joy unspeakable. 'Happy, happy!' were his last dying words. All surviving relations still feel the influence: they sit round the corpse, attended by their domestics and supporters, twice a-day. Two sermons every day—life and power attend the Word; and I verily believe many dead souls have been made to hear the voice of the Son of God."[1]

[1] *Life and Times of Selina, Countess of Huntingdon* (by a Member of the Houses of Shirley and Hastings), ii. 16, 17.

What strikes one as not a little characteristic in this curious narrative, is the ado that it was considered necessary to make about the death of the old Earl, apparently for no other reason than that he was an earl, and one of their body. But already much remark had been made upon the official style which it had pleased Whitefield to adopt for the founder of the sect. It was considered that the title, "The Elect Lady, Selina Countess of Huntingdon," which was the fixed form, showed more appreciation of worldly honours than was quite becoming in persons professing such unusually strict views of life as did these adherents of the *connection*.[1] Something of a similar spirit seems to pervade the elaborate arrangements for the Earl's obsequies, as well as the narrative of them written by Whitefield. If anything is plain in the history of this worthy Scotch family it is, that before their removal to England, they were excellent God-fearing people. Yet it pleased these good Methodists of Bath to make out that, till their Scotch friends had joined themselves to that body, they had known next to nothing of the truth. The passage in which this is hinted is too quaint not to be transcribed. "His lordship's long intimacy," it is said, "with persons of piety in Scotland, had gradually prepared his mind for the reception of those great and momentous truths with which he became acquainted after his introduction to Lady Huntingdon and the junior members of the Hawkstone family."[2] Very much the same is stated regarding Lady Buchan, in another part of the same work. There is nothing, however, to show that Lord Buchan, or his wife, gave any sanction to this view of their spiritual state.

Much of the care of Lady Huntingdon's party was now directed towards the wellbeing of the new Earl, who remained among them. They justly considered that he would be exposed to many and great temptations. The young lord was "valiant for the truth," and "had the courage to make pub-

[1] Gledstanes' *Life of George Whitefield.* [2] *Life and Times*, ii. 14.

lic profession of his opinions, which drew upon him the laugh and lash of all the wits and witlings of the Rooms." He was spoken of as a Daniel amongst the lions—but he was not left to cope with the monsters single-handed. Apparently with little, if any, reference to the young Earl, Lady Huntingdon and his mother appointed as his chaplains, Fletcher, Venn,[1] and the eccentric Berridge, all well-known men of that branch of the Methodist body. Subsequently the name of John Wesley himself was added by the two excellent ladies to the list of the young lord's chaplains, perhaps with some idea of conciliating the opposite sect of Methodists. On the 4th of June 1768, Wesley writes to Lady Huntingdon, acknowledging the compliment that had been paid him: "I am obliged to your ladyship, and to Lady Buchan, for such a mark of your regard as I did not expect."

Henry Erskine, while pursuing his studies at Glasgow University, seems to have been partly under the care of one of his own kinsfolk,—the wife of Erskine of Cardross, a daughter of Stirling of Keir. As he could not conveniently join his own family at Bath—he was not present even at his father's funeral—most of his college vacations were spent at the house of his relatives, which is situated near the borders of Stirling and Perthshire, and not far from the Lake of Menteith. Here he was well cared for by the worthy lady, who was a "character," and one of those fine old Scottish dames, characterised by much sound sense and no little humour, who are now, unhappily, "scarce," and who will soon have to be classed as "*rare*." This good lady was grievously exercised by certain of the Perthshire lairds, her neighbours, who seem to have

[1] That Venn appreciated the compliment paid him may be inferred from the fact that five-and-thirty years afterwards his appointment was still announced on the title-page of his works. Thus, in the edition of the *Complete Duty of Man*, issued at Edinburgh in 1803, the author, the Rev. Henry Venn, is described as "Rector of Yelling, and Chaplain to the Earl of Buchan."

possessed most of the peculiarities of the "Fife lairds," and an easy contentment with things as they used to be, but without any of the qualities described by the almost untranslatable word "gash."

It is on record that, on one occasion, when there was a gathering of the neighbouring gentlemen at Cardross in special honour of one of their number, the endurance of the hostess was sorely tried. During the progress of the dinner, and doubtless *apropos* of the matter then in hand, the honoured guest succeeded in engrossing the attention of the whole table by the elucidation of the manner in which his mother had been wont to compound a haggis (*haggas* Mrs Calderwood wrote the word)—an item of knowledge which he felt to be peculiarly his own, by inheritance.

"First," quoth the laird, with the deliberate emphasis of one who has the ear of his audience, "she pat the moulins o' a butter-bake intill't;—syne she pat three gowpens o' birsled meal intill't;—syne she pat"—but the suffering hostess could no longer endure the repression of feeling which the rites of hospitality demanded.

"Strife,
Pat Policy in danger of her life,"

wrote the good old Lyon, Sir David Lindsay; but Aunt David, reckless of such risks, was at last constrained to exclaim—

"Eh, pity me! *pat* she a fiddle-stick intill't, laird?"

Mrs Erskine was ever proud of Henry, her charge; and in after-years, when he had become famous, she delighted to recall traits of his boyhood. After expressing her admiration of his bright smile and happy temper, she would add,—"But, dear-sakes! he was a desperate laddie for lozing his pocket-hankies."

Henry Erskine, as has been stated, did not return to Bath at the time of his father's last illness. He was closely en-

gaged with his studies at the University of Edinburgh, where, amongst other subjects, he took up Civil Law, Rhetoric, and Moral Philosophy, in the classes of Professors Wallace, Hugh Blair, and Adam Ferguson respectively.[1]

While prosecuting his studies for the Bar, Henry Erskine became a member of the Forum Debating Society; and in it took part in the discussion of many of the high questions which Scotch law students have, in each generation, proposed and answered to their own satisfaction,—such as the "Justifiability of Suicide," upon which, in Sir Walter Scott's time, there was a minority of *eight* who voted in the affirmative; "the Guilt, or otherwise, of Queen Mary," and such topics. In these discussions he acquired a power of extempore speaking which was the foundation of his future success as a pleader.

While yet a student of the law, Henry Erskine wrote several poetical pieces of some merit. It has been remarked that the drift of all these was, usually, a protest against oppression, or the undue exercise of power. This was the theme of most young men at the time, who had the faculty of analysing, and were endowed with generous impulses. To this period belongs a somewhat lengthy piece, entitled, *The Nettle and the Sensitive Plant*, which has been printed.

There is some reason to suppose that amongst the students at the Edinburgh University, in Henry Erskine's time, may have been one whose testimony against those placed above him was of the most uncompromising description—namely,

[1] In the "Album" of the Edinburgh University the name of Henry Erskine appears amongst those of the "*discipuli D. Guliel. Wallace, Juris. Municip. Proff.* (*sic*); *D. Hugonis Blair, Rhetor. Proff.*; *D. Adami Ferguson, Phil. Moral. Proff.*," for the session beginning December 1766.

In the last-named class he had as fellow-students William Adam, Adam Ferguson, Gilbert Elliot, William Fullerton, and others, with whom he was afterwards connected in different ways; also Samuel Macknight and Lord Deskfoord.

Jean Paul Marat, whose "frantic earnestness" in the cause of freedom found vent in a huge pamphlet entitled the *Chains of Slavery*, which the editor of the *Poetry of the Anti-Jacobin* (Lond., 1854), states, in a note, was published in Edinburgh, in English, in 1774. He also states that Marat studied medicine in Edinburgh prior to that date. No trace of any such work can be found as having been published in Scotland, though a book of that name appeared in London at the time in question.

It is stated in *Biographie Universelle* that Marat tried to support himself by giving lessons in French in Edinburgh. His name, however, does not occur in the class-lists of Henry Erskine's time; it is known, however, that he passed at this period under various names. The latest statement on this subject is this—and it is a little remarkable: "According to one of these [reports], Marat was filling the Chair of French Language and Literature in the University of Edinburgh in 1772"![1]

Henry Erskine was admitted a member of the Faculty of Advocates in 1768. His rise to eminence in his profession began at once, and was soon established: his superiority as a lawyer was never afterwards questioned.

Though he did not revisit Bath in his father's lifetime, it would appear that the youth did pay another visit to England shortly after he had passed as advocate. The likelihood is that he went to escort his mother back to Edinburgh, where she again settled, and ended her days. The evidence that the young advocate made the journey, at least as far as Liverpool, is the following little piece, probably pencilled by the way. The lines have not been printed before.

[1] See *Jean Paul Marat*, by Ernest Belfort Bax. Lond.: 1879. Conf. *Chambers's Book of Days. Notes and Queries*, Sept. 24, 1854; Sept. 16, 1860.

VERSES

Address'd to Miss Fanny Wrigley, Daughter of the Landlord of the Golden Lion, at Liverpool. Written in November 1769.

Oft have romantic lovers wish'd
In some sequestered shady grove,
All worldly cares and tumults hush'd,
To prove the joys of mutual love.

Pleas'd with the partner of his heart,
The swain to courts prefers the shades,
Swears they alone can joy impart:
The only joy that never fades.

Were *I* to chuse my sphere of bliss,
How opposite would be my choice!
Tho' strange it seems, my wish were this,
To live amidst a scene of noise.

That scene should be the best of Inns,
Known by the Golden Lion's sign;
There lives a maid whose beauty wins
All hearts: to her I've yielded mine.

For lovely Fanny would I serve
In hardest toil the tedious day;
Let but my pains her love deserve—
Ah! what would not that love o'erpay?

Were, then, the lowest office mine,
That in this inn was ever known,
Yet my proud heart should ne'er repine,
Were that delightful nymph my own.

What most forcibly struck Mr Frederick Locker (a writer whose own *Vers* are among the neatest and most graceful of our day) on reading these lines, was, "that there is not here a spice of gallantry—it is all in deadly earnest." After all, the young advocate only "fell in fancie," to use a good old Scotch phrase, very much needed in the English language. It is a phantasy, "a toy"—.

"Sweet, not lasting,
The perfume and suppliance of a minute;
No more."

A very different matter—look you—from falling in love.

Mr David Laing, in his survey, some years ago, of the MSS. belonging to the Faculty of Advocates, thus describes the book, from which this and other pieces by Mr Erskine are taken: "This volume contains a collection of Mr Erskine's Poems, transcribed about the year 1780. They consist of 'Love Elegies dedicated to *Amanda*,' 1770; Pastoral Eclogues and Fables; 'The Emigrant,' a poem (with a few corrections in the hand of the author), along with some epigrams and miscellaneous pieces, including translations and imitations of ancient classical writers, partly dated between the years 1769 and 1776." This is, probably, the MS. volume (or a duplicate of it) which is mentioned in several of the sketches of Mr Erskine that have appeared.

His son, the Earl of Buchan, thus speaks of the start of Henry Erskine in his profession: "I believe, when my father began his law career in Edinburgh, reluctantly—for he wished to go into the English Church—he was in great danger of leading a very idle life. He had inherited, as his share of his father's property, £200 a-year; his musical gifts were unusual—he was, indeed, 'no crowder on an untuned fiddle;' his manners in the highest degree polished and captivating; his good-nature and high spirits made him the most delightful of companions, and he was one of the handsomest men in Scotland. Edinburgh at that time was full of attraction to a young man: most of the Scotch nobility came to spend the winter there. Sydney Smith could not have said then, as he did afterwards, that the people were 'a pack of cards without honours;' there was abundance of rank, wit, beauty, and music, and all coveted the society of Henry Erskine."

His first memorial, or brief, is said to have been from Admiral Campbell, his next from a Mr Walker, whose iden-

tity has not been ascertained. At no long interval thereafter it became evident that his success was assured; and had any one, adopting the words of a "lish and bonny Cumberland lass," about that time on a visit to Gartmore, ventured on the prediction—

> "Ye shall walk in *silk attire*,
> And siller hae to spare,"

the result would have amply fulfilled the prophecy.

Born, as was affirmed of his younger brother, what few men become, apparently with little severe study, and long before he could have had much experience at the bar, he attained the highest rank in his profession without difficulty, and retained it with little apparent exertion throughout the whole of his public career.

The description by his son is more than corroborated by the testimony of friends who knew Mr Erskine. Amongst those Lord Cockburn. He speaks of "a tall and rather slender figure, a face sparkling with vivacity, a clear sweet voice, and a general appearance of elegance, which gave him a striking and pleasing appearance."

He was taller than either of his brothers, and at the time of his first appearance at the bar he was considered to be handsome in no common degree. His graceful figure, well-defined features, prominent nose—always a sign of a certain power—well-cut forehead, mouth somewhat large, clear blue eyes, and masses of fair hair undisturbed by any wig;[1] all these attractive gifts when added to the charm of his brilliant eloquence were—it will readily be understood—more than sufficient to attract large audiences.

Mr Erskine's first success as a pleader was attained, as has been the case in many other instances—notably, in that of

[1] "Wigs were only worn at the Scottish Bar (with some exceptions) by lawyers of long standing, or great practice. Consequently it was said to be very difficult sometimes to distinguish members of the Faculty from their own macers, or door-keepers." A typical case of a young advocate, too common at the Scottish Bar,

Mr Erskine's great rival, Henry Dundas—in the debates in the General Assembly of the Church of Scotland, wherein he officiated, as an elder, at an early age. At that time there was no better school for the acquirement of a good style of oratory than in the animated discussions carried on in this, the highest Church Court in the country. It has been termed "the best theatre for deliberative eloquence in Scotland." This, besides being a model representative body, in which both clergy and laity appear, was—unlike the law courts—an *arena* where it was possible for a speaker to give freer expression to any effective idea his imagination might suggest, without let or hindrance from restraining forms. Henry Erskine was known to be possessed of a large share of the deep religious feeling which was a marked peculiarity of his family, and to be zealously attached to the Presbyterian faith, the tenets and discipline of which he was at all times ready to uphold. These circumstances, affording as they did evidence of his being a worthy representative of a highly respected line, in some degree explains the deference with which Mr Erskine was invariably listened to in the Councils of the Church.

Though not the highest sphere for the display of a lawyer's powers, the General Assembly cases offered opportunities for judicious and skilful management, if there were little scope for profound legal knowledge. The species of oratory which a high authority has described as the best suited to such an

is given in a pamphlet of verse entitled *November Twelfth* — (*i.e.*, the day on which the Courts used to meet for the winter session.)

"Day after day and week on week is spent,
The hop'd-for fees are long of being sent;
Year after year he saunters through the hall,
The hoped-for fees are never sent at all."

At last a case, with a fee, is sent—

"Then hasting homewards with such prospects big,
Next day beholds him in a full-blown *wig*."

He covered himself also with confusion, for he never got another fee. The holders of appointments connected with the law were expected to wear wigs.

audience, was precisely that with which Mr Erskine could at the same time indulge his hearers, and his own natural bent, —namely, speeches argumentative, declamatory, or humorous, as the occasion might require, with few trammels on account of the demands of either relevancy or pertinency. He used to consider such employment an agreeable change from more strictly professional duties; and when opposed to one of the best-known of the leaders in the General Assembly, was wont to say that "running down *Hill* was easy and pleasant work."

Erskine became an established favourite in these scenes—his brilliant and engrossing orations being looked forward to as enlivening the not-always-interesting business before these venerable Courts. Still, as was said of Mr Erskine's successor in this particular department of legal life—the brilliant Francis Jeffrey—"he never risked his popularity by carelessness or presumption, and never descended to the vulgarity of pleasing by anything unbecoming a counsel of the highest character and best taste."

At this period the elocution of the Scottish Bar is said to have savoured not a little of the unction of Donald Cargill, or George Whitefield. It was, moreover, grievously cramped by the routine then in use in the Courts. Civil cases were not tried by a jury. Proceedings were usually conducted by written, rather than *viva voce* pleadings. Further, the language of the Courts at this time was little better than an imperfect dialect of English, with neither the strength and precision of the Southern tongue, nor the quaint graphic power of the Scotch when spoken in its purity.

The law in this age, and after, deemed unanimity in criminal trials unnecessary—a fact which is considered to have had some effect upon oratory at the bar.

It was the custom, also, at this time, for counsel to address the judges according to certain obsolete forms, and in a whining tone, the exact cadence of which was prescribed; and to have abated from which would have been an unpardonable

liberty in the eyes of the "Lords of Council and Session," some of whom are said even to have claimed, at that time, "the right of dispensing with Acts of Parliament, in virtue of what they affected to call the *nobile officium*."

Here was enough surely to stifle any germs of genius, or of oratory that may have been in the mind, or mouth, of an aspirant after forensic fame.

As his professional practice increased, Mr Erskine introduced innovations in the style of speaking at the bar. The liveliness and ease which characterised his pleading was accepted and welcomed by all but certain of the older members of the Faculty, who but grudgingly permitted themselves to tolerate the change. These gentlemen, if they stated their client's case with the proper quotations from the well-studied authorities, considered that all had been done that could be expected of a pleader. But Mr Erskine, while as careful as they were, and as attentive to precedents, and to note all the conflicting opinions in the books, and as familiar as they were with the barbarous Latin of the equally barbarous feudal codes, was accustomed to give the freest scope to his imagination, clothing his ideas in a language of the utmost grace and purity of style, leaving no rhetorical art untried by which he considered his end might be gained. Most powerful of all his weapons was, perhaps, a subtle and ready wit, not used indiscriminately however, but always with a clear view to the object aimed at. His style of oratory is described by all as being in a high degree refined and elegant: this, no doubt, was in large measure due to the scholastic training he had willingly undergone (of which there is ample evidence in his poems, to be shortly noticed) at a period when the classics were very much at a discount in Scotland.

On such a question as that of the eloquence of a great speaker, only the opinion of a contemporary, and one fully able to form a correct judgment, can be of any value. Fortunately we have the clearly recorded testimony upon this

matter of more than one of Mr Erskine's contemporaries. Two of these gentlemen are, in every respect, the witnesses whose evidence is the most desirable to adduce regarding the characteristics of their learned and elder brother.

Lord Jeffrey has left the following appreciative statement: "At the bar Mr Erskine was distinguished, not only by the peculiar brilliancy of his wit, and the gracefulness, ease, and vivacity of his eloquence, but by the still rarer power of keeping those seducing qualities in perfect subordination to his judgment. By their assistance he could not only make the most repulsive subjects agreeable, but the most abstruse, easy and intelligible. All his wit was argument, and each of his delightful illustrations a material step in his reasoning. To himself it seemed always as if they were recommended rather for their use than their beauty. And unquestionably they often enabled him to state a fine argument, or a nice distinction, not only in a more striking and pleasing way, but actually with greater precision than could have been attained by the severer forms of reasoning.

"In this extraordinary talent, as well as in the charming facility of his eloquence, and the constant radiance of good-humour and gaiety which encircled his manner in debate, he had no rival in his own times."

This professional opinion is fully borne out by Lord Cockburn, also speaking from his own experience. "No boisterousness ever vulgarised, no effort ever encumbered, his aerial gaiety. Though imposing no restraint upon himself, but always yielding freely to the radiant spirit within him, his humour was rendered delightful by its gentleness and safety. Too good-natured for sarcasm, when he was compelled to expose, there was such an obvious absence of all desire to give pain, that the very person against whom his laughing darts were directed generally thought the wounds compensated by the mirth and by the humanity of the cuts. Yet those will form a very erroneous conception of him, who

shall suppose that the mere display of wit was his principal object. In society, of course, his pleasure was to please his friends. But in public he scarcely ever uttered a joke merely for the sake of the laugh. He was far above this seducing vulgarity. His playfulness was always an argumentative instrument. He reasoned in wit; and untempted by the bad taste and the weakness of desiring to prolong it for its own sake, it ceased the very instant that the reasoning was served. Nevertheless, notwithstanding the fascination it threw around him, he had better have been without the power. It established obstructing associations of cheerfulness, whenever he appeared, in the public mind. For he was intuitively quick in apprehension, and not merely a skilful but a sound reasoner, most sagacious in judgment; and his speaking had all the charms that these qualities, united to a copious but impressive language, and to a manner of the most polished and high-born gracefulness, could confer. Hence, though naturally, perhaps, his intellect was rather rapid and acute than deep or forcible, he could discharge himself of all his lightness when necessary, and could lead an audience in the true tone, and with assured success, through a grave or distressing discussion."

There is no point upon which the evidence of these gentlemen is more in accord than where they show that the wit and humour which are perhaps the best-known peculiarities of Mr Erskine's speaking at the bar, were never resorted to for the purpose of merely raising a laugh.

At this time, and for many years both before and after it, a very limited acquaintance with the higher classics sufficed for an educated Scottish gentleman. This circumstance, and the fact, as noted by Chambers, that the custom of young gentlemen making the *grand tour* had very much fallen into disuse, go some way to explain that, while many of the Scotch judges were men of unquestioned power and grasp of intellect, these men, and others of by no means equal strength, were

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often pre-eminently remarkable for coarseness of manner, sometimes amounting to barbarity, scarcely relieved by a heavy jocularity. It is said that the only judges on the bench who knew anything of the classics were Lord Monboddo, and perhaps Lord Kames; but to appreciate the cultured eloquence of Mr Erskine deep knowledge of the classics was not needed; the effect of his classical training was seen in the simplicity and elegance of his diction rather than in the use of quotations.

When it was known that he was engaged in a case that was likely to call forth his energies, it was common for parties —of ladies, for the most part—to be formed to go to the Parliament House to hear Mr Erskine speak. On such an occasion, and with such a fair audience gathered together under what Lord Cockburn calls the "dim litigious light of the Old Parliament House," it is possible to imagine Mr Erskine closing one of his most impassioned appeals to the feelings of a jury, and of such of the judges as had any, followed by remarks from some of the older judges, such as Lord Cockburn has ascribed to Eskdale, and others of his stamp, in the tone, manner, and dialect peculiar to them and their age.[1] It is the bringing of the old and the new in legal manners into painful proximity and comparison.

It was not long before even those of the law lords who were most antiquated in their ideas, began to appreciate and acknowledge the superiority of Mr Erskine's style—dashing, free, and effective,—over the dry and somniferous prosing of the past generation of pleaders.

Thus it is related that on one occasion, when the young lawyer had to address "the fifteen" lords in a case where the narrative presented no difficulty, and the evidence was of the plainest, he, in all humility, began: "My lords, the facts of

[1] The great "Diamond Beetle" case, an extremely clever and witty burlesque on the styles of the different judges on the bench, at a date a little later, is hardly more absurd than the reality which has been recorded.

this case are so exceedingly simple, and the evidence that I shall adduce so perfectly conclusive, that I am happy to say I shall not need to take up much of your lordships' time. I shall be very brief."

But this did not at all accord with the ideas of some of the learned gentlemen on the bench, who, as soon as Mr Erskine rose to address them, had settled themselves for an intellectual treat. One of their number, therefore, at this point entered a mild protest: "Hoots, Maister Harry, dinna be brief—dinna be brief."

In his early days at the Parliament House, and while passing through a stage of comparative inactivity before his practice became absorbing, Mr Erskine was one of the most persevering of wags. It was his special delight to tease Sir James Colquhoun of Luss, who was Principal Clerk of Session, and Sheriff of Dumbartonshire, and one of the oddest characters of the time. On one occasion, when Henry Erskine was in Court during the advising of an important case, he amused himself by making faces at Sir James as he sat at the clerk's table beneath the judges. The victim was naturally much annoyed by this procedure, but bore it as long as he could. At last he could stand it no longer, and disturbed the gravity of the Court by rising and exclaiming—

"My lord—my lord—I wish you would speak to Herry; he's aye makking faces at me."

Harry, however, was looking graver than the judges. Quiet was restored, and the advising went on, when Sir James, happening to cast his eyes towards the bar, was met by a new grimace from his tormentor, and once more convulsed Bench, Bar, and audience by roaring out in his rage—"See there, my lord! he's at it again."

By this time Thomas Erskine had become tired of the Royal Navy, and preferred to serve his Majesty on shore. His commission as ensign in the 2d battalion of the 1st Royals is dated 1st September 1768. The young subaltern

was remarkable for good looks, and a delicate and refined cast of features, so that it occurred to the witty and laughter-loving Mrs Mure, wife of Baron Mure, a relative of the Erskines,[1] while on a visit to Harrogate, to dress the pretty youth in lady's attire, and pass him off amongst the company of the place, as a young female friend whom she had been requested to introduce to the gay world. This scheme was carried out with perfect success during a whole day. Before he went abroad with his regiment he was quartered at Berwick-on-Tweed. A memorial of the ensign's experiences at this out-of-the way place, and his efforts, while stationed there, to overcome the tedium of his inactive life by his favourite resource of verse-writing, has very recently come to light.

Little more than a year ago there drifted into notice a small quarto volume of MS., which had apparently attracted little attention till it was landed safely, and inspected. It proved to be an early collection of Thomas Erskine's youthful writings. The name of "Frances Erskine," his wife, is on the cover; and there is some reason to suppose that she may have been the copyist. The book, which is now in the possession of a member of Lord Erskine's family, is written in a beautiful hand. A specimen of the contents—a few verses of a long poem, in manner satirical, on the belles of Berwick—is given in the Appendix.[2]

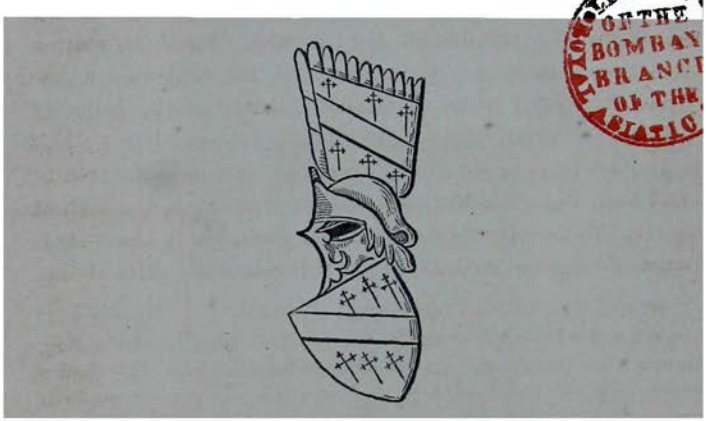
No fact in Lord Erskine's career has been more frequently cited than his preaching, on occasion, sermons to the men of the 1st Royals. It was a striking circumstance in those days; but would not be considered so remarkable now. His Metho-

[1] Mr Mure of Caldwell was Lady Buchan's first cousin, his mother being Anne, daughter of Sir James Steuart of Goodtrees, Lord Advocate. Katherine Mure, his wife, was a daughter of James Graham, Lord Easdale, a judge of the Court of Session. She was distinguished for beauty as well as wit, and a certain lively eccentricity of character. She died in 1820, æt. 86. There was much intimacy between the families. Vide *Caldwell Papers*, vol. ii. Part II., p. 111.

[2] See Appendix III.

dist friends at Bath rejoiced loudly over the effect their ministrations had produced upon Thomas Erskine. It is well known that he cared little for the Church of England as an Establishment: he has said as much himself. It is therefore a little interesting to inquire whether the line of teaching which he adopted in his discourses to the Royals was in any degree tinged with the doctrines, or forms of expression peculiar to the Methodist school of thought. Curiously enough, there is, in the MS. volume mentioned, the sermon itself, at full length, —a discourse which has been, perhaps, as often referred to as *The Ploughers.* It was preached at "St Heliers, Jersey, Dec. 31, 1769."

I think I cannot err in extracting one or two of the principal paragraphs, and placing them also in the Appendix, to the solving of the question, What was the nature of the ensign's preaching? Briefly, it may be answered—Simple morality and wholesome advice, nothing more. It would hardly have satisfied "the connection," or John Wesley, emphatically "the friend of lay preachers."


OF THE
BOMBAY
BRANCH
OF THE
ASIATIC

CHAPTER IV.

OLD EDINBURGH—NOR' LOCH—GABRIEL'S ROAD—HIGH STREET—LETTERS OF *THEOPHRASTUS*—1763 AND 1783—ASSEMBLIES—LADY EGLINTOUN—ST CECILIA SOCIETY AND MUSIC—CATCH CLUB—"SAVING THE LADIES"—VERSES—CHRISTIAN FULLERTON—TENDUCCI—*AMANDA* AND LOVE ELEGIES—ENSIGN ERSKINE ON "MARRIAGE"—HENRY ERSKINE'S MARRIAGE—HALKERSTON'S WYND—TEA—NEWHALL.

FROM more than one point of view, Mr Erskine may be said to have stood at the commencement of his career as a young man midway between the old and the new of Edinburgh life. As regards the outward form of the town, in his boyhood it was, in fact, a walled city, with all the characteristics of such, and with little change the Edinburgh of Queen Mary's time,—a quaint, medieval town of no great extent, somewhat French in point of architecture; and as no one had yet taken steps to carry out the suggestion of James, Duke of York, for the widening of the city bounds, it lay within its ancient walls, house piled upon house, till in truth, according to a contemporary description of the town, an appearance was presented as of streets standing vertically. From the striking contour of the ground it is singularly easy, with a very little of the power to make-believe, to form a very clear idea of what old Edinburgh was during the early years of Henry Erskine's life.

Moreover, there is no scarcity of excellent maps and views

of the town which bring the outward appearance of the capital very distinctly before us. In an interesting work, Slezer's *Pictures of Edinburgh*, may be found a very beautiful engraving of the city, which, from the skilful treatment on the part of the artist, is all that can be desired for this purpose. The view-point is a spot a little under the site of Nelson's Monument; the mapping of the streets, as viewed from across the valley, is not only attended to most faithfully, but apparently the draughtsman has been able to see more before him than the mere streets and wynds, and has devoted care to the delineation of the shadows of a passing cloud thrown upon the rugged crown of St Giles', the old Tron Church, and the high ridge of the town, forming a most effective passage in his picture. Beyond the immediate foreground, the gardens and orchards in rear of the houses of the Canongate are seen as they descend the slope of the hill; to the right is shown the deep valley and the Nor' Loch, the closes and wynds off the High Street coming down to the water's edge in a manner highly picturesque at the distance here indicated. Thus it is easy to understand, from the picture, how Archbishop Beatoun, or James Gray was enabled to escape *by boat* after an unsuccessful "tulzie" on the causeway of the High Street. A little to the right in the picture is seen Mutrie's Hill, the site of the present Register House, and beyond it the dreary Long Gait, extending irregularly nearly upon the line of what is now Princes Street. It was at this period frequented by few passengers, the usual entry to the city being either by the West Port, or from the east by the Water-Gate; so that the swans of the Nor' Loch[1] were

[1] Few persons in Edinburgh, it is believed, are aware of the existence of a curious little book entitled *A New and Easy Project of making the Water of Leith Navigable, whereby ships may pass and enter into the North-Lough.*" Mr Maidment possessed a copy, and wrote—"This tract is of great rarity and interest: the only other copy traced is in the collection of David Laing, Esq." There is no date, but it seems to belong to the end of the seventeenth century. The proposal was to make a canal to approach the city from the direction of Inverleith. Considering the engineering difficulties to be overcome, the estimate

little disturbed when they issued, as was their wont, from the water under the Castle Rock, and crossing the path of the Long Gait and "Bearford's Parks,"[1] made sad havoc in the cornfields of Wood's farm, the occupant of which had for many a day a standing grievance with the Town Council in respect of the depredations committed by these city swans.

How completely the northern slopes beyond the valley were cut off from communication with the city may be inferred from the narrative of a tragedy which occurred in this locality shortly before the completion of the North Bridge. A murder, of a very appalling description, was perpetrated in broad daylight by a young divinity student upon two little boys, to whom he acted as tutor. The whole circumstances of the horrid deed were distinctly witnessed from the city side of the loch, at a few yards' distance, by many persons, who were powerless to offer the slightest assistance to the children. The brain of the unhappy youth who committed the crime had, it seems, been turned by the harsh comments that had been made upon some innocent jocularity which had passed between himself and the maid-servant at the house of his pupils, and which had been by chance mentioned by them afterwards.[2]

This event gave the name of "Gabriel's Road," and an evil reputation, to the scene of the tragedy in the neighbourhood, which afterwards became famous in connection with the *Noctes* at Ambrose's Tavern in Register Street.

It is more difficult to figure to one's self the appearance

was curiously small—namely, "28,500 merk, or 1583 lib. 6 sh. 8d. sterling." It was added: "The commerce of the town of *Leith* will not suffer by this new canal: for besides that they have their own harbour left open to them; and they may still enjoy as much sea trade as they please, tradesmen at *Leith*, as sailmakers, &c., will still be receiving profit by ships that come to Edinburgh" (p. 6).

[1] It will be remembered that when Richie Moniplies in England fell in with opponents—"owre mony for him to mell wi'"—he only wished he had them in *Barford's* Park.—See *Fortunes of Nigel*.

[2] See *Peter's Letters to his Kinsfolk*.

presented by the city's inner life, as it flowed throughout the entire length of the High Street, at this time unbroken in its length by any large side streets, its centre being at the Cross, the Luckenbooths, and the Krames, which were little shops a very few feet in area, which clung, like swallows' nests, to the sides of the High Church.

The aspect of the High Street must have been then very striking. On this promenade, which is spoken of as the finest street in Europe—not by a Scotchman, fortunately—were seen all that Scotland could produce of rank and beauty, the "rustling silks and capuchines" of high-born dames, and the equally brilliant garments and capuchines of the gentlemen, some of whom also carried muffs admirably calculated for the quiet discussion of a mutton-pie or slice of salmon,—all forming an effective picture when mixed with the more sober hues of the ordinary citizen costumes in a dense and busy crowd. To these must be added the chairs of the ladies, carried by porters in livery or without; and though the space is very small, the carriages of the nobility, with their four horses on occasion of formal visits; though how they managed to thread the narrow and busy streets is a marvel, crowded as these usually were with hucksters' stalls throughout nearly their whole length.

When, at night, to the general confusion was added the bells of the piemen, the cries of the oyster-women, and the far less musical notes of the ballad-singers, it may be conceived that a scene was presented well calculated to astonish and distract a more experienced traveller than was Dandie Dinmont on the memorable occasion when he found himself bewildered in his search for Mr Councillor Pleydell at his favourite tavern.

Yet with all the mixture of classes thus daily and hourly brought into the closest contact by reason of the concentration of public life within very narrow limits, there probably never was a time when the ancient and honourable houses of

Scotland were held in more estimation by the bulk of the people,—they were then proud of their old nobility, and pleased to have it among themselves in daily life; and though dukes and earls might rub shoulders with *market-caddies* in the High Street, the line of demarcation between classes was drawn with a clearness that is now unknown. There seems to have been no loss of dignity from this enforced companionship, any more than on board a ship of war, when, of necessity, ranks are more strictly defined than is usually requisite on dry land. It was long after this date that the foreign fashion of enmity against kings and nobles was heard of—a fashion which, being contrary to the traditions and instincts of the Scotch, never took any hold.

If Henry Erskine's start in his public career was, as has been said, at a moment of transition as regards the outward condition of the town, it was no less so with respect to the history of the city's inner life. There is a series of letters compiled by a clever writer, who, under the appropriate and much-used name of *Theophrastus*, deplores the sudden decay of good manners, and girds at the times in terms most incisive, showing the sad falling away in everything that was of good account in the year 1783, as compared with the state of things in 1763. He justly considered that the "looseness and dissipation, forwardness, freedom, and licentiousness" which, with the addition of haberdashers, hairdressers (keeping "bears to kill occasionally for greasing the ladies' and gentlemen's hair") umbrellas, &c., which first became common in 1783, did but ill compensate for the loss of "decency, dignity, and delicacy," the characteristics of the more unsophisticated age.

This remarkable revolution in feeling and manners is traceable directly to the outward condition of the city. Before the completion of the North Bridge, space in Edinburgh was too confined to allow of the settlement of new-comers in any considerable number. With the enlargement of Edinburgh came

crowds of new residents; and by degrees the old landmarks of society were swept away; an age of competition ensued, in which it is obvious that many of the old Scottish families must be "nowhere."

Only in one point does *Theophrastus* fail to see a change for the worse. The sanitary arrangements in Edinburgh were no worse in '83 than they had been in '63. That these arrangements were sanitary, we have Winifred Jenkins's authority for affirming. *Theophrastus,* or Creech the bookseller, in referring to this matter, aptly quotes the old lines beginning

"Rusticus expectat dum defluit amnis"—

only "Rusticus" would wait on such an occasion. Dr Johnson knew better. He had heard, no doubt, of many an elegant suit of clothes spoiled—many a powdered, well-dressed Macaroni sent home for the evening—and, as expressed in his own simple words, "many a full-flowing periwig moistened into flaccidity," and would bestir himself accordingly. Can it be that some unfortunate accident, of the nature of that indicated, was at the bottom of the antipathy with which the great but mortal man regarded everything pertaining to Scotland?

The date of Henry Erskine's marriage, 1772, was exactly midway between these two representative epochs.

In his early youth, and at his start in public life, Henry Erskine's was one of the most conspicuous figures at the balls held in the Assembly Rooms at the West Bow, and afterwards when the scene of these festivities was transferred to the more central, but less convenient, rooms in Bell's Wynd.

Notwithstanding the fact that young Oliver Goldsmith was of opinion that an Edinburgh ball and a deserted village were about upon a par as to liveliness, it is unquestionable that there was great enjoyment going at these old balls, both to the fortunate five or six couples who were requested by Miss Nicky Murray to walk the minuets, and to the rest of the company when

the country-dances began. On such occasions young Henry Erskine was a prominent actor, ably assisting the now aged directress in her duties, which required the utmost delicacy and tact in management. It is certain that Miss Nicky must have succeeded, to a marvel, in attaining that middle course which is so safe and desirable, seeing that her rule is described in terms so contradictory by different witnesses. Under her orders, the high-bred and handsome youth would, with much acceptance, regulate the dances and the music.

> "With what grace his gloves he draws on,
> Claps, and calls up *Nancy Dawson;*"

or, better still, one of the graceful minuets of his kinsman the Earl of Kellie, *Lady Murray of Clermont—Mrs Campbell of Shawfield*, or some other of Lord Kellie's sweet little compositions, plaintive and tuneful, which, in the playing, still suggest faint visions of high-born dames and gallant gentlemen as they trace, under the smoky waxlights of the old rooms in Bell's Wynd, the mazy circles of the minuet with a grand dignity, and a formality, approaching to despondence.

The music was the weak point at these balls; it was by no means equal to the dancing.[1] This inferiority in the quality of the music is the more curious, as Edinburgh was then perhaps as remarkable as it ever has been since for a cultivated taste in the art of harmony. Lord Kellie,

[1] The extreme poverty of the music available at these entertainments may be estimated by the opinion of one of the performers themselves, a certain old John C——, too freely given, perhaps, seeing that his own performance was probably worse than that he criticised while smarting under an alleged affront connected with the band arrangements at one of the balls in question. "There's Geordie Menstrie," says he,—"he plays rough like a man sharping knives wi' yellow sand. Then there's Tammie Corrie—his playing's like the chappin o' mince collops, sic short bows he taks; and then there's Donald Munro—his base is like wind i' the lum [chimney], or a toom cart gaun down the Blackfriar's Wynd."—Chambers.

and many skilled amateurs, amongst them Mr Erskine, devoted much of their time to the study of the art, with good results.

But there can be no doubt about the beauty of the fair performers who figured in such scenes as these: it might be so now if the *élite* of the Scottish nation were to be found in an Edinburgh ball-room. Such an incident as that recorded as having been frequently witnessed at the period of the West Port balls will never, it is feared, be seen again. Imagine a procession of *eight* sedan chairs, each with its couple of liveried bearers, carrying a lady in full ball costume of feathers, sacque, &c., on their way to the Assembly Rooms. These are the seven lovely daughters of Susannah, Countess of Eglintoun—herself the loveliest of her daughters—who are thus conveyed to the ball-room in broad daylight. Great is the excitement as the procession, emerging from Lady Eglintoun's house in the Canongate, threads its way up the crowded High Street, till it reaches the Assembly Rooms hard by the house of the infamous Major Weir, half-way down the steep street leading to the Grassmarket. But a scene still more striking and picturesque was witnessed when these fair ladies returned from the ball with the addition of flaming torches, and to each chair a gentleman in attendance, drawn sword in one hand, and hat obsequiously held in the other, according to custom, who guard the party till they descend at their house in the aristocratic neighbourhood of Jack's Land. As this goodly caravan wends its way down the slopes of the Canongate, with wealth of cackle and silvery laughter over incidents of the ball, what fitter subject for a last-century picture than such a combination of sedans, torches, swords, cocked-hats, and full-dressed wigs, with flashes from bright eyes more deadly than from the swords, while from under the outside stairs the aroused swine stare forth in wonder?

Susannah, Countess of Eglintoun, had the remarkable dis-

tinction of being the only person in Scotland who kissed Dr Johnson. Her ladyship was vastly pleased with his opinions and genteel conversation. Nature had almost surpassed herself when she turned out this bevy of fair dames. Moreover, from her ample stores she had provided a product—a cosmetic—which should have the effect of conserving her handiwork in its original loveliness—it was *sow's milk*.

With one exception all these ladies made good marriages.

This same Nature delights in contrasts. Erskine of ——, in the south country, had several hard-favoured daughters. After him his comely widow "enjoyed" two other husbands; while not one of the girls went off. The scene where the young ladies stand around busking their buxom mother for her third wedding is a subject for reflection. "How strange it seems, my dears," said the bride, "that I should be married a *third* time, before one of you has been married *once!*"

"This," remarks the good old lady who relates the incident, "is perhaps Scotch wit—which usually has a spice of savagery in it."

This is the picture of what at no very remote age was thought to be a scene of revelry. "The dancing-room [in the Old Assembly Close] is neither elegant nor commodious. The door is so disposed, that a stream of air rushes through it into the room, and as the footmen are allowed to stand with their flambeaux in the entry, before the entertainment is half over, the room is filled with smoak, almost to suffocation. There are two tea or card rooms, but no supper-room. When balls are given in the assembly room, and after them supper, nothing can be more awkward or incommodious to the company than the want of distinct appartments for supper and dancing. At present, upon these occasions, the table is covered in the dancing-room before the company meets. Additional tables are set out, where room is made for them by the dancing being over. Chairs are to be brought in, and waiters are pouring in with dishes, while the company are standing all

the while in the floor."[1] Amidst the smoke and dingy discomfort to which these ladies were subjected, they were happy, inasmuch as they were contented. It is probable that never once did the idea expressed by the young Irish stranger who had suffered at the older rooms present itself to their unsophisticated souls—

"The heart, distrusting, asks if this be joy."

Lord Buchan notices a remarkable trait in his father's character which deserves mention. The arrangements at the public balls were very strict, partners were generally engaged beforehand for the different dances. Thus, if from any accident a young lady was taken to a ball without the necessary formalities having been gone through to insure her having partners, she was likely to find but poor entertainment. Such a case was likely to be hopeless, seeing that the arrangements that had to be made were very complicated. It was necessary, for instance, for the gentleman, if for a country-dance, to procure tickets for his partner and himself, showing the exact number of the couple in the particular set; these tickets had to be shown to the director before the dance began. If some gentleman was not prepared to take this trouble, it might be that a poor girl, in every respect calculated to make a brilliant figure, would be allowed to sit, a prey to envy, uncharitableness, and other monsters more or less green-eyed; with ample time for cheerless reflections—

"Wi grannie's rings, and minny's pearlins, decked sae rich and braw,
An' me the flower o' a' the ball haena danced at a' !"

It was Mr Erskine's kindly custom to devote himself to the service of any distressed maiden whom he might find in such sad plight, or neglected by reason of plain looks. Having provided the necessary tickets, and *oranges*, equally prescribed by custom, for the refreshment of his partner after the dance, he would appear a veritable Perseus in the eyes of the damsel

[1] Arnot's *Hist. of Edinburgh*, p. 382.

who had the good fortune thus to be "lifted."[1] Who shall say in what degree this amiable trait of Mr Erskine's character may have added to the reputation which he enjoyed with ladies especially, and which was associated with his name long after he was gone, of being the ideal of a Scottish gentleman? Such a kindness as that described would never be forgotten, any more than rescue from a grave calamity.[2]

One little circumstance no doubt assisted the kindly habit ascribed to Mr Erskine—Christian Fullerton never danced.

There was an idiotic custom in force at this time connected with public balls (but more especially with the concerts of the St Cecilia Musical Society), which was most distasteful to Mr Erskine, at all times a temperate, and even an abstemious man, as it doubtless was to every one possessed of a vestige of sense. When the ladies had been escorted home, in the mode described in the case of the Eglintoun family, it was usual for the gentlemen to return to the supper-room, where one of them would drink a toast to the name of the lady

[1] "To lift" a young lady was the technical phrase. The aged relative of one of our Scotch judges, at a Charity ball in the south country was heard to say, in his quaint, quiet manner: "Boys—are nane o' ye gaen *to lift* the Miss Macfarlanes?" Now the young ladies referred to were believed to weigh some fourteen and fifteen stone respectively.

[2] There were other difficulties in the way of a young lady being "lifted" without previous arrangement. Thus Sir Alexander Boswell describes the custom then obtaining—

> "Each lady's fan a chosen Damon bore,
> With care selected many a day before;
> For, unprovided with a favourite beau,
> The nymph, chagrined, the ball must needs forego;
> But, previous matters to her taste arranged,
> *Certes* the constant couple never changed;
> Through a long night, to watch fair Delia's will,
> The same dull swain was at her elbow still."

Chambers would lead us to infer that *one* pairing of ladies and gentlemen by ballot was to hold good *for the whole of a season.* The idea is too barbarous to be entertained. Conceive the possible consequences of a mistake in fans! for collusion there must have been.

whom he professed to admire, emptying his glass. Thus challenged, another gentleman would name another lady, and empty a glass in her honour. The first lunatic replied with another glass to *his* lady, followed in the like manner by the second, with another to *his*, and so on—till one of the combatants fell unconscious on the floor. Other couples followed in like manner. This vile custom was called "Saving the Ladies;" why, is not quite obvious. It was alleged that some of the fair sex actually took pleasure in hearing the next morning of the prowess of their hard-headed champions in these wretched competitions.

One of the earliest of Mr Erskine's poetical pieces is a copy of verses, written in allusion to this custom, and printed in the *Edinburgh Weekly Magazine* of May 1771. The satire of the piece is directed at his musical friends of the St Cecilia Society, who had the reputation of being proficients in this practice.

At this time the Society was at the height of its reputation. The St Cecilia Hall in the Cowgate had not been long built. Here concerts were held which formed the weekly "resort of all that was gay, fair, and noble in the metropolis of Scotland." The hall itself was considered attractive, having been built on the model of the theatre at Parma, while the music was of the highest class that could be heard in the kingdom. Many Scotch gentlemen were in the habit of taking part in the performance of the music of Corelli, Handel, or Geminiani, who were the favourite composers. It is not said whether Mr Erskine himself joined in these performances, but he is described, according to the phrase then in vogue, as "playing an exquisite violin." Two or three of Handel's oratorios were usually given in the course of the year by the St Cecilia Society, of which the great master held such a favourable opinion, that he gave them the privilege of having full copies made of all his MS. oratorios. On the occasion of the death of any governor or director of the Society, it was

the custom to give a special concert of a highly sensational description "conducted in the manner of a *concerto spirituale*. The pieces were of sacred musick; the symphonies accompanied with the full organ, French-horns, clarinets, and kettle-drums. Upon these occasions, the audience is in deep mourning, which, added to the pathetic solemnity of the musick, has a noble and striking effect upon the mind."[1]

Admission to these concerts was by special tickets, given by the members of the Society to their friends, and to such distinguished strangers as might be in Edinburgh; and as they could only be had for love, never for money, and could only be used for the night for which they were granted, it is apparent how eagerly such invitations must have been sought after. It is the purpose of the poem referred to to show what a powerful instrument the dispenser of such favours held. Allusion is intended to this fact in the appearance of "Mrs B——r"[2] upon the stage to speak Mr Erskine's verses, with the much-coveted ticket in her hand.

The Catch Club who thus distinguished themselves by the practice of the objectionable custom mentioned, was composed of certain of the more "joyous and convivial" spirits of the St Cecilia Musical Society, probably with the Earl of Kellie at their head. At their meetings an "easy cheerfulness reigned." They met after the conclusion of the concerts of the Society, and the company was even more select, all the "strangers of fashion" being included among their guests. It

[1] There is in the Advocates' Library the *plan* of the music at "the funeral concert performed by the Gentlemen of Edinburgh 18th July 1788, on the death of Samuel Mitchelson, Esq., one of the directors." The selections on this occasion were the 8th Concerto of Corelli, the Dead March in "Saul," and the 3d Psalm (Marcello), a duet. Mr Mitchelson was probably the gentleman at whose house the English visitors had such evil experience of certain Scotch dishes, as described in *Humphrey Clinker*.

[2] Probably Mrs Baker, who was about this time acting in Edinburgh. On the 9th April 1771 she appeared at the Theatre Royal in the part of Mrs Oakley in the *Jealous Wife*, "for the benefit of Mr and Mrs Didier."

is recorded, for instance, that, during the visit of the Prince of Hesse to Scotland, he had been the guest of this Club, and was charmed with the Scotch songs, duets, and glees which were performed for his entertainment.

Mr Erskine's piece is somewhat lengthy, as it appears in the *Weekly Magazine*. The following extract shows the drift of it :—

VERSES *on the* St Cecilia Catch Club, *and the truly heroic custom of Saving the Ladies, intended to be spoken by Mrs B——r on the stage, entering with a Lady's Concert Ticket in her hand.*

MY concert ticket—here's a newborn art
To gain the fair, and charm the captive heart.
Come, let me try if woman's wiles can scan
The thousand, thousand tricks of artful man.
Loud talks the soldier of war's flaming breath,
Of glories, dangers, victory, or death :
"'Tis I," he cries, "ye fair, protect your charms,—
'Tis you should still reward the victor's arms ;"
Sure of success, when to his passion's aid,
He brings the glaring coat, and smart cockade.
Daring, the sailor braves the boisterous deep,
Leaving at home his loving Moll to weep ;
And tho' long-toss'd upon the faithless main,
If she proves faithful—suffers not in vain.
His sails at length from the oft-trodden shore
With joy she spies, and weeps and fears no more.
He boasts each danger suffered for her sake,
And the fond tale does ten-fold love awake.

. . . . . .

But this wise age, by luxury refin'd,
Has left these little *wily* arts behind ;
Flushed with the juice of Gallia's rosy bunch,
They court the fair in "constables" of Punch.
The dauntless youth, secure in stomach wide,
With eager transport swills the smoking tide ;
For on this noble, great, heroic draught,
His fair one's fame must sink, or rise aloft.
Thus, in the Olympic games the Roman youth,
By courage and address displayed his truth,
Whirl'd the light chariot o'er the dusty plain,
Fired with a hope the long'd-for prize to gain.

He flung the pond'rous quoit with nervous hand,
Or, wrestling, dashed his rival on the sand;
Trusting his steady arrow's feather'd wing,
Drew the tough bough, and twang'd the silken string.
The circling olive graced his glowing brow;
And Celia fondly listened to his vow:
At her loved feet he laid the well-won prize,
And read his best reward in her consenting eyes.
So the gay youth, at midnight's frolick hour,
Stung by the tyrant love's all-conquering power,
Vows from *damnation* her he loves to save,
Or on the floor to find an early grave,
Among the table's feet supine to lie,
And for Miss Molly's sake to drink, or die.
The prize he gains—from heaps allowed to pick it,
And next day, half drunk, presents the—ticket.[1]

In the MS. volume in the Advocates' Library, Mr Erskine has given the following preface to the piece:—

"Wrote on purpose to be spoken at the end of the play bespoke by that Club in the character of a lady who had just received her ticket from the gentleman who sav'd her. In this elegant Society every lady is *saved* to whose health a certain quantity of hot punch is drunk. Such as have no such feat performed for their sakes are damn'd.

"Wrote at Edinr. 1770."

There were few ideas at this time in which public interest was so completely lukewarm, either in the Church or out of it, as that of converting the heathen from their barbarous practices. The subject was unpalatable.[2] Such incidents as are

[1] In one of his letters *Theophrastus* writes that in the year 1783 "the barbarous custom of *saving* the ladies (as it was called) after St Cecilia's concert, by the gentleman drinking immoderately to *save* his favourite lady, is now given up. Indeed they got no thanks for their absurdity."

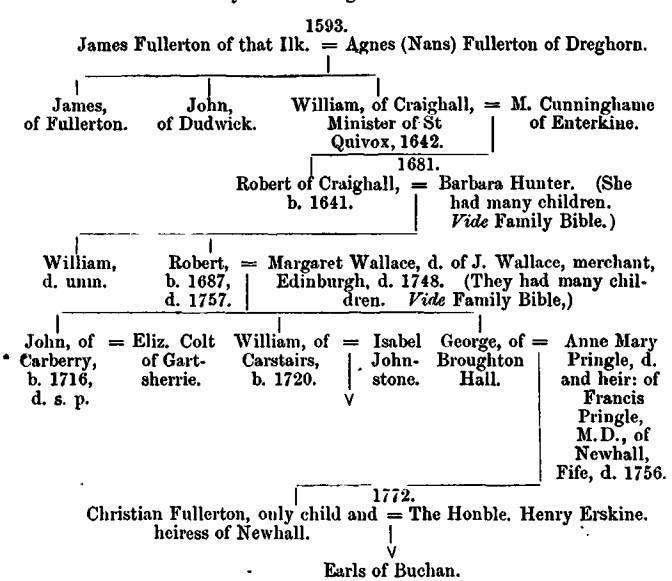
[2] Even some dozen years later foreign missions were strenuously condemned in the General Assembly, as shown by Principal Tulloch in his St Giles's Lecture. There is probably nothing more effective, or dramatic, in the way of a reply, to be met with, than the rejoinder of Dr John Erskine of Greyfriars, to the speech of Mr Hamilton of Gladsmuir, in which the latter eloquently contended that

here described, in verse and prose, go far to render this remarkable fact intelligible.

In the year 1772 Henry Erskine was married to Christian Fullerton, only daughter of George Fullerton of Broughton Hall, near Edinburgh, Comptroller of Customs at Leith, whose father was a descendant of a very old and honourable family in Ayrshire, the Fullertons of Craighall, with regard to the representation of which, at the present day, there has been much discussion among genealogists.[1] Christian Fullerton

such things were no business of ours. "Moderator," cried the old minister, rising in his wrath, "*rax me that Bible!*"

[1] The descent is shown by the following table :—


1593.
James Fullerton of that Ilk. = Agnes (Nans) Fullerton of Dreghorn.
James, of Fullerton.
John, of Dudwick.
William, of Craighall, Minister of St Quivox, 1642. = M. Cunninghame of Enterkine.
1681.
Robert of Craighall, b. 1641. = Barbara Hunter. (She had many children. *Vide* Family Bible.)
William, d. unm.
Robert, b. 1687, d. 1757. = Margaret Wallace, d. of J. Wallace, merchant, Edinburgh, d. 1748. (They had many children. *Vide* Family Bible,)
John, of Carberry, b. 1716, d. s. p. = Eliz. Colt of Gartsherrie.
William, of Carstairs, b. 1720. = Isabel Johnstone.
George, of Broughton Hall. = Anne Mary Pringle, d. and heir: of Francis Pringle, M.D., of Newhall, Fife, d. 1756.
1772.
Christian Fullerton, only child and heiress of Newhall. = The Honble. Henry Erskine.
Earls of Buchan.

Amongst the many children of William Fullerton of Carstairs were,—1. Elizabeth, who, inheriting Carberry from her uncle, John Fullerton, *m.* the Honble. W. Elphinstone, grandfather of the present Lord Elphinstone; 2. Robert, Governor of Prince of Wales Island, representative of Fullerton of Craighall,

being an only child, was heiress to her mother's property of Newhall in the neighbourhood of Crail, in Fife. The late Lord Buchan, Henry Erskine's son, has left the following description of his mother as she appeared in her early days. "She was passionately fond of music, never danced, loved Italian music, sang well; she was a pupil of Tenducci,[1] the leader of the St Cecilia Society concerts, and played well on the lute. She was exceedingly clever; her intuitive sagacity in seeing into people's characters hardly ever failed. She took strong dislikes, sometimes, to persons in whom Mr Erskine's benevolent facility would see nothing but good faith and right, which feelings were often found to be justified in the long-run."

The course of the courtship seems to have been checkered and long, if we may judge from the amount of verse poured forth by the young advocate, indicating every phase of hope and fear incidental to a lengthened suit. In the MS. volume which has been mentioned, some *forty pages* are taken up

grandfather of Charles Fullerton, who is now the head of that branch of the family, and not Fullerton of Thryberg, Yorkshire, as stated by Sir Bernard Burke; 3. Sarah, who *m.* Monteith of Carstairs; and 4. John, the late Lord Fullerton, judge of the Court of Session, the entries in whose family Bible are among the authorities for the above statement.

[1] This famous teacher remained in Edinburgh some time, and was much patronised by the witty and beautiful Jane, Duchess of Gordon, Lady Wallace, and many of the leaders of fashion. He charged half a guinea for each music lesson. His singing of such songs as "The Flowers of the Forest," "Water parted from the Sea," "Waly, waly, gin love be bonny," was said to be unrivalled. "About the year 1766 I saw Tenducci in Dublin, in 'Arbaces' in *Artaxerxes*. . . . His singing 'Water Parted' was the great attraction. At his benefit he had thirty, forty, and fifty guineas for a single ticket. The Dublin boys used to sing about the streets, to the tune of 'Over the hills and far away,

> "'Tenducci was a piper's son,
> And he was in love when he was young;
> And all the tune that he could play
> Was 'Water parted from the *Say!*'"

—O'Keefe's *Recollections*.



The Honorable Mrs. Henry Erskine.

(Christian Fullerton)

after the portrait by Willison in the possession of
The Dowager Countess of Buchan.

with Love Elegies written in spring 1770, and a dedication of the Love Elegies, each with its motto from Virgil or Horace—all addressed to *Amanda.*

In the first "the author complains that the narrowness of his fortune obliges him to conceal his passion from *Amanda.*" Then follow, "To *Amanda* in sickness," "On leaving *Amanda* in the spring," and so on—most of them in his favourite idyllic manner.

Never, since the days of the Lord Treasurer, was a youth so forlorn. In truth, in these pieces he seldom rises to the point of excellence he was capable of attaining. He was "in deadly earnest;" and it is a question if any swain in such a case—thoroughly "love-shaked"—*can* give the care and polish to such a piece of verse as to make it interesting to more than two.

A few lines of the dedication will suffice as a specimen:—

Quod spiro et placeo (si placeo) tuum est.—HOR.

. . . . . .

"Accept, *Amanda,* humble tho' they be,
My offered Lays, inspired by Love and Thee;
Believe I love thee, tho' how true, how well,
The Muse herself would strive in vain to tell.
With censure gentle, and with judgement kind
Read the overflowings of a love-sick mind;
A mind that owes no wish, no thought to me,
But *thinks,* and *feels,* and *lives* alone for Thee.
If thy impartial taste forbid to praise,
Forgive the Lover, and forget the Lays;
But if thy gentle Heart my strains can move,
Read, dearest Maid, and learn like me to love."



It will be seen that Christian Fullerton possessed attainments and accomplishments unusual at the time, and well calculated to attract a man of Mr Erskine's taste and culture. Still, it is unquestionable that very often, at the date mentioned, there was little tendency on the part of gentlemen to seek, in the ladies of their choice, for qualities which should

make their wives their companions in *mind*. In fact, if our great-grandmothers turned out—as, happily, they often did—most notable women, we can hardly thank our great-grandfathers for the blessing.

The idea that good education is calculated to make a woman a more agreeable and more sympathetic companion, is, it is believed, comparatively a recent one. Miss Mure of Caldwell is very amusing upon this point: the theory she describes as obtaining in her time is almost Biblical in its simplicity. She says: "Whoever had read Pope, Addison, and Swift, with some ill-wrot history, was thought a lairnd lady, which character was by no means agreeable. The men thought justly on this point, that what knowledge the wemen had out of her own sphere, should be given by themselves, and not picked up at their own hand in ill-chosen books of amusement, though many of them not without a moral, yet more fitted to reclame the desolate (*sic*) than to improve a young untented mind, that might have passed through life with more happiness and purity than they could with the knowledge those books contained."[1]

"Better a cowslip with root than a prize carnation without it,"

writes Arthur Clough in one of the neatest of his hexameters. At the time referred to in our narrative, the idea of a "carnation with root" could hardly be conceived. "No learning, no learning, I say again and again (either ancient or modern), upon any consideration whatever." Such was the expressed opinion when the qualifications of a wife were under discussion. It was the opinion of Miss Burney's friends, possibly including Dr Johnson himself, that "it was *the Greek* that spoiled Sophie Streatfield."

We are fortunate in knowing the ideas of Thomas Erskine upon this subject; they may be, perhaps, cited appropriately in this place.

[1] *Caldwell Papers*, Part I., p. 269.

Ensign the Honble. Thomas Erskine had, as he tells us, a habit (which must have been most aggravating to his friends) of throwing into the form of an essay the opinions expressed by himself in any conversation that had particularly interested him, which composition he afterwards forwarded to the person with whom the conversation had been held. His views were generally expressed in the sententious style which was then peculiar to him.

We can imagine the countenance of his commanding officer when he received from the young ensign a voluminous document, his own copy of which, in the MS. volume already mentioned, is before me. It is headed "*An Essay on Marriage, and the choice of a Wife; In a letter to Lieut.-Colonel Bentinck of the 2d Battalion of the 1st; or Royal Regiment of Foot: wrote at St Hilliers in the Island of Jersey, on Christmas Day* 1769, *being the consequence of an argument on that subject.*" In it Marriage is discussed from every conceivable point of view, and maxims, precepts, and advice are heaped upon his superior officer with a lavish hand. For was he not by this time himself upon the point of matrimony, and so in a position to advise? Thus he expresses his views:—

. . . "Let then my ornament be far from the tinsel glare, let it be fair yet modest, let it rather delight than dazzle, rather shine like the mild beam of the morning than the blaze of noon. I seek in my fair one a winning female softness, both in person and mind. I start at the strut of an Amazon, and the dazzling stare of a masculine sense;" and so on.[1]

[1] If we may believe Lewis the actor, Thomas Erskine did not always hold such well-defined notions of matrimony.

"Lord Erskine, on woman presuming to rail,
Calls a wife 'a tin canister tied to one's tail.'
. . . Considered aright,
A canister's polished, and useful, and bright;
And should dirt its original purity hide,
That's the fault of the puppy to whom it is tied."

To his brother Henry also he had offered advice in verses which need not be quoted.

It is not, perhaps, necessary to enforce by argument the theory that men of any thought not unfrequently marry for qualities in accord with something in themselves, that they think they see in the ladies of their choice, rather than for what certainly is there. What Henry Erskine fancied he saw in Christian Fullerton, is fully outlined in these Love Elegies. He saw, with many other lovable things, a genial kindness and womanly tenderness looking through eyes whose glances were as gentle as the music of her lute. And he was more fortunate than many such "speculators" often are. Christian Fullerton seems to have been what he had imagined. But after the loss of more than one of her children, she fell into bad health, and though ever kind and gentle, ultimately became a confirmed valetudinarian.

It would seem, then, that Christian Fullerton was not nearer being her husband's equal in mental attainments than was considered desirable at that time.

The notion, it is believed, is also of recent date—that a young wife should make herself wretched because she is not a sharer in her husband's work, as expressed in the lines—

> "I wonder if every student sits brooding far into the night,
> And hides from the wife of his bosom the thing he is fain to write."

No such modern trouble beset Mrs Erskine, as her husband sat late into the night working at his cases, and marshalling the arguments which should extinguish his adversaries on the morrow; often she would enter his study and propound deep questions of domestic management. Poor Mrs Erskine has immortalised herself by one such incident. She is said on one occasion to have actually awakened her husband, in the dead of the night, with the question, "Harry, lovey, where's your white waistcoat?"

Thomas Erskine had been married in April 1770 to

Frances, daughter of Daniel Moore, Esq., M.P. for Marlow. From a letter written by the young soldier in the month of June following, it would appear that his wife's family were, not without reason, seriously annoyed at this escapade of a young couple who had next to nothing between them beyond an ensign's pay. It was therefore highly desirable that there should be a reconciliation, if possible, on the eve of the embarkation of the Royals for Minorca. The letter is as follows:—

Ensign the Honble. Thomas Erskine to Baron Mure.

"PORTLAND ROW, LONDON,
June 13, 1770.

"MY DEAR SIR,—As I know you are well acquainted with Lord Lorne, I rely on your friendship and goodness to ask him for leave of absence from the regiment for me, as, since my wife's father has been reconciled to us, it will render it of great consequence to me to be with him at present. My Lord Barrington told me this day, that if Lord Lorne [his colonel] would consent to my being from the regiment, that he would connive at my not embarking with the troops for Minorca. So that it depends entirely on Lord Lorne's permission, which I am sure he will not refuse you, especially if you give him my reasons for wishing it, and let him know what Lord Barrington said. I don't make any apology for asking this favour, as, having experienced your friendship before, I am sure you will serve me in it if it is convenient, and the sooner the better. I beg my best respects to Mrs Mure and all your family, and am, dear Sir, with great regard, your most obedient and obliged humble servant, T. ERSKINE."[1]

From a second letter of Thomas Erskine to Baron Mure, dated from "Alton in Hampshire, July 28, 1770," it would

[1] *Caldwell Papers*, Part II., ii. 171.

appear that there was every probability of his request being complied with. There is no reason to doubt that the young couple succeeded in obtaining the parental blessing in the orthodox manner.

However inauspiciously this marriage may be thought to have begun, or in whatever degree Mrs Erskine may have come up to the standard of female excellence established for himself by the somewhat *exigeant* ensign, it is certain that a better choice of a wife could hardly have been made. While they were in poverty Mrs Erskine bore it well, and uncomplainingly, and when her husband rose to opulence she was perfectly fit to take her share of the honour. "It needs a steady hand to manage a full cup," thought Wodrow. The depth of poverty endured by Thomas Erskine and his wife at their start in life, was perhaps exaggerated by Lord Campbell; but it must have been a sore struggle to which this young lady was introduced. Another Lord Chancellor of England,[1] who began his career in the Royal Navy, has described a midshipman's income as "Nothing a-year and keep yourself;" a young barrister's as "Nothing a-year and keep yourself and clerk." To the last definition add the item of a wife, and you have something not very far removed from the position of Thomas Erskine at this time.

Mrs Mure writes thus to Mrs Elizabeth Steuart at Coltness, many years after these days of poverty were passed. . . . "His wife I like very well; in his adversity she was most contented and uncomplaining, and in his prosperity is kind and unassuming."

Henry Erskine and his wife took up house in one of the lofty tenements in the neighbourhood of the High Street. Lord Buchan believed it was "a land" in Halkerston's Wynd, nearly opposite the Tron Church, and not far from the old house of the Erskines in Gray's Close. Here, in the very centre of the fashionable world, Mrs Erskine dispensed

[1] Lord Chelmsford.

hospitality to a large circle of friends and relatives. At this date almost the only special invitation which was given was to take a *dish of tea* at four o'clock—the dinner-hour being three. This species of reception is said to have been as popular with gentlemen as with ladies. Many of the Erskines, Steuarts, Dalrymples, and other connections and numerous Fullertons, lived sociably within a circle of a few hundred yards' diameter; it was easy to call together a family party at the shortest notice. Such gatherings were admirably suited to the state of things in Old Edinburgh, where small rooms and small incomes forbade extensive entertainments.

It is not easy to imagine anything more enjoyable than the sensation of refuge afforded by these snug little rooms,—warm with the hissing tea-kettle, and cheerful with bright faces,—from the snell and biting east wind, sweeping, according to its custom, through the wynds and closes of Edinburgh, as if (as it has been described) "*through pipes*, to the refreshment of the town," but grievous discomfort of the citizens.

Never had "the talk-inspiring powers of tea" a finer field than on such occasions, when sociality and order were supreme; for there was in force a ritual of exceeding strictness at these teas. Who taste their tea with the teaspoon nowadays? or what hostess courteously asks if it be "agreeable"? These formalities were always gone through of old, consequently the teaspoons had to be numbered to insure every one getting his own at the second cup.[1]

[1] Thus the routine is described by Sir Alexander Boswell—

"The red stone teapot with its silver spout,
The teaspoons number'd, and the tea *fill'd out!*
Hapless the wight, who, with a lavish sup,
Empties too soon the Lilliputian cup!
Though patience fails, and though with thirst he burns,
All, all must wait till the last cup returns.
That cup return'd, now see the hostess ply
The teapot, measuring with equal eye,

It was shortly after his marriage, and while Henry Erskine's thoughts were drawn to the unhappy state of things in the Highlands of Scotland, to which he soon after gave expression, that Dr Johnson paid his visit to Edinburgh. It would be hard to figure two men more unlikely to agree than Mr Erskine and the Dictator. The description of his treatment of the hospitable and long-suffering people of Edinburgh is calculated to make one's blood boil. James Boswell, it is related, while showing his hero about, met Harry Erskine in the Parliament Close and introduced him to his friend. The gentlemen bowed; but the lawyer passed on with nothing more than "Your servant, sir," taking care, however, as he passed, to slip into Boswell's hand a shilling for the sight of the bear with which he had been favoured.

Mrs Boswell was one of the most exasperated of the good citizens of Edinburgh. She said she had often heard of a man leading about a *bear*, but never of the man being led by the nose *by the animal.*

In 1774-75, Mr Erskine resided at the end of Potterrow.[1] Doubtless Lord Campbell would have considered the fact of Mr Erskine establishing himself in such quarters as have been described a sign of poverty; but it is needless to say that such was by no means the case. Chambers has shown, by a minute survey of one of these old houses, that luxury, even, was attainable. Rooms being few and small, servants were not required to be numerous. Indeed, the case of a certain old judge's household is well known: his one servant, like Goldsmith's curate, actually slept *in a contrivance of the nature of a drawer*, which was closed during the day. It was also the custom, at the time when Mr Erskine began to practise at the bar, for lawyers to see their clients at some particular tavern,

> To all again, at once, she grants the boon,
> Dispensing her gunpowder by platoon."
>
> —*Edinburgh; or the Ancient Royalty.*

[1] *Williamson's Directory.*

—an arrangement by which the necessity for a business room was obviated; and they commonly saw them without the intervention of a solicitor. This was the custom in Lord Mansfield's time. Much of the life of townsmen was at this time spent at taverns. At the taverns also met the clubs, which form a marked feature of this age.

Newhall, Mrs Erskine's property, is situated not far from the town of Crail in the East Neuk of Fife, and according to the Scotch custom, her husband was called Mr Erskine "of Newhall." The estate was considerable, and he applied himself to the development of its capabilities. Amongst other matters, he set about the working of certain limestone quarries[1] upon their estate, which proved very successful. He very soon became recognised as one of the Fife lairds, probably the most intelligent member of that body, if there be any truth in the proverbial sayings regarding them.[2]

In this capacity of a landholder of the East Neuk, he of necessity became identified with all that was peculiar to that district, in which his kinsman, the Earl of Kellie, was a great power.

During one of Mr Erskine's first visits to that neighbour-

[1] In after years Mr Erskine would frequently make a run over to Newhall, merely to see how the work at his quarries was getting on; often giving rise to speculation as to the cause of his sudden appearance. In reference to one of these visits, and the sanguine temperament of Mr Erskine, his cousin, Mrs Durham of Largo, writes: "We had a visit of Harry Erskine: he was in Fife entirely in a private Capacity, had no Political views. . . . He is going to Erect a most Prodigious Lime work like Lord Ellgin's, and by the month of May will have a Bread of Lime Rock for 100 men. . . . He is very sanguine, so as Sir James [St Clair Erskine] says, the Dalrymple blood is broke out in this Family."—*Polton MS.*

[2] In those days a Fifeshire gentleman was easily recognisable in the streets of Edinburgh by the brown and weather-beaten aspect of his *hat*. The reason is obvious. A Fife laird would be the last man to put on a good hat to cross over to Leith in an open boat, exposed to sea-spray, &c. The chief characteristic of these same lairds of Fife was the quality described by the word "gash,"—a shrewd cunning, or sagacity combined with self-conscious eccentricity.

hood—it is recorded—"Punch" made a considerable sensation as a novelty. Parties were made up to see the performance. On one of these occasions a certain Ensign Balfour of Dunbog was of the party. Dunbog is understood to have been situated in a portion of that district very much in need of draining, as was much of the county at that time. Punch appeared, in the progress of the play, mounted on a miserably fed horse, half a skeleton. The conversation between the showman and Punch proceeded in the usual style—"You're very badly mounted, Mr Punch,"—and so on; "Where was your horse fed, Mr Punch?" to which the answer was squeaked, "In the *plashy* parks of Dunbog;" upon which the Ensign, as furious as the Knight of La Mancha under similar circumstances, flew upon the performers, and would have made short work with stage, actors, and theatre, had he not been held back. Of course the "gagging," as it is technically called, had been at the prompting of Henry Erskine.



CHAPTER V.

GEORGE SQUARE—WALTER SCOTT—CLUBS—THE POKER—LORD KELLIE SATIRISED—"FRAGMENT OF SAPPHO"—"A LOVER'S MESSAGE"—THE BEGGAR'S BENISON.

VERY shortly after the completion of George Square Mr Erskine removed to that quarter, then considered the most fashionable part of the town. A consequence of the completion of the more spacious houses of Brown Square and George Square was the gradual disuse into which the old form of entertainment—namely, tea and supper—fell, and the gradual substitution in lieu thereof of formal dinner-parties. It would appear that this new fashion of "dining out" came upon certain of the community as a novel and pleasant sensation. Chambers relates that it was then very customary for those who had been so fortunate as to receive an invitation from this aristocratic quarter, to stand at the Cross in their full dinner-dress for some time in the afternoon, in order to be able to inform their friends that they had been invited to dine in George Square. Perhaps there may be allusion to this new fashion in the following lines, written by Mr Erskine on a rather notorious "diner-out," who distinguished himself about this time:

Patrick O'Connor's advice to Henry M'Graugh, who was sentenced by the Magistrates of Edinburgh to be whipt through the Town for eating at Taverns and not paying. August 1774.

"Arrah! Harry M'Graugh, very cruel your fate is,
To be whipt thro' the town 'cause you love to dine gratis.

By my shoul, my dear jewel, if such be their due,
Who love a good dinner for nothing, like you,
Some folk I could name, of no little renown,
Before you might walk by your side through the town.
Yet here, even here, you might spunge a good dinner,
Without being thought so egregious a sinner.
But the method you took will not pass in this city,
As at home: By St Patrick, the more is the pity.
Then learn, from the Bailie that soused you, the way
To eat and to drink, yet have nothing to pay:
Like him, be made Counsellor, Deacon, or Bailie,
And as politics go,—What the devil's to ail ye?
Then each day ye may guzzle at the city's expence,
Without *Crosbie* or *Boswell* to plead your defence.
If you can't, my dear creature, to Ireland be gone,
For the Magistrates here hate all rogues but their own." [1]

The late Earl of Buchan has stated in his MS., with reference to this period of his father's life: "Walter Scott's family lived next them in George Square, No. 25, and they met on friendly terms, though the difference of politics discouraged intimacy. I find the name of Walter Scott, W.S., frequently among my father's law papers, and receipts for the rent of Scott's stables, which Henry Erskine took for his black horses. [His yellow carriage and black horses were a familiar sight in the streets of Edinburgh at this time.] Little Watty, before he could speak plainly, was always running in and out of our house, to my mother's great annoyance. She used to call him "that silly tiresome boy." Upon one occasion he ran up to my father with the remark, 'Mr Erskine, did you ever

[1] "This day one Henry M'Graugh (an Irishman) was publickly whip't thro' this city, and afterwards remitted to prison for three months, pursuant to a sentence of the magistrates. This fellow had been in the practice of imposing upon the inhabitants, by going into taverns, calling for victuals and drink, and afterwards informing the people he had no money to pay for them. He had been three times taken before the magistrates for these practices: the first and second time he was dismissed on promises of good behaviour, and leaving the place; but finding him altogether incorrigible, the magistrates were at last induced to pass the above sentence."—*Edinburgh Evening Courant*, 31st August 1774.

see a *whim wham* fastened to a goosey's *bido?* meaning bridle. [A whim wham is understood to be a little windmill made of coloured rags.] He wanted, like all children, to make my father join in his play. In later life, and when the flame of party spirit had in some measure burnt out, they met with a warm regard on both sides. I have heard Sir Adam Ferguson, and others, say that Sir Walter always spoke of Henry Erskine with enthusiastic affection."

Whatever a man's speciality or crotchet might be, he could then find a club in which he might have the privilege of eating and drinking with persons of professedly the same tastes as himself. If literature, and discussion, and fine English were his fancies, there was the "Select Club;" if fish-dinners, the "Cormorant," to whose meetings at Leith he would be called by some such notice as—

> "Oysters now are out of sorts,
> Let crabs supply their *plaices;*
> Yet in our jolly company
> You'll see no crabbed faces."

Then if he had views respecting a Militia Bill, there was the "Poker Club;" if he liked *capilliare,* there was open to him Lord Kellie's club of that name, founded for the purpose of cultivating a taste for the fashionable liqueur; or if his own particular "maggots" were uppermost in his brain, the "Soaping Club" would receive him, where every man was allowed to "soap his own beard"—otherwise, to air his own selfish fancies. It is difficult to conceive the existence of a club in which each individual member should say, or sing, "My mind to me a kingdom is," and play at "Snip-snap-snorum;" yet such was the "Soaping" to which Boswell and the Honble. Andrew Erskine, Lord Kellie's brother, belonged, as we gather from their published letters[1]—a correspondence in which

[1] They have recently been reprinted.

not a few of the characteristics of the "Soaping Club" are perceptible.

Fortunate was the man (and happy the wife of that man) who had little versatility of taste, otherwise he was likely to see more of kindred spirits than of his own family.

Mr Erskine was member of the "Cormorant," and of the famous "Antemanum," so called because originally the reckoning was paid *beforehand;* or, according to Chambers, because the members were fond of the game of "Brag" in which the players boast of their cards "beforehand." The club was chiefly composed of gentlemen of fortune, and was remarkable for great conviviality, deep drinking, and "high-jinks." It may be accepted as a proposition not difficult of demonstration, that in all the clubs where this species of amusement was enjoyed, up to a certain point, the altitude of the "jinks" was in proportion to the depth of the drinking. This club survived down to the time of Cockburn, Jeffrey, and Moncreiff, who joined it merely for the sake of a glimpse of old-world manners. But they were disappointed. The standard jokes were by this time as flat, and as little worthy of chronicle, as small beer too long drawn; and the allusions had to be explained to the youngsters by old Lord Hermand, who despised them, because they would not, or could not, drink till a small hour.

It has been supposed that Henry Erskine was a member of the Poker Club, the best of all such institutions in Scotland during the last century, but this has not been established. It is almost the only Edinburgh Club of that time, the records of which have been preserved. A sederunt-book and list of members exist, from 1774 to 1784, but his name is not on the roll. This record of proceedings is interesting as showing the mode of procedure in these old clubs. As is well known, the Poker Club was established about 1762 for the purpose of pressing upon the Government the necessity of forming a Militia in Scotland for the defence of the country,

as had been done in England. The distinction was felt to be invidious, and in a high degree derogatory to the dignity of Scotland. Of course the Government had in view the Rebellion of '45, then recent, and the possibility of further excitement, seeing that Prince Charles Edward was understood to have been in London so lately as 1750, if not at even a later date.[1]

The Club, which was formed from among the members of the Select Society, was for some time without a name; and only received that which it afterwards bore from a chance suggestion of Professor Adam Ferguson,[2] who, on seeing one of the members poking the fire, proposed the title of the Poker Club for the acceptance of members, as being sufficiently vague to the uninitiated, and at the same time symbolical of their efforts to raise a flame of patriotic feeling in the country. The Club was composed of some of the most distinguished Scotch gentlemen of that time, of various opinions in politics. Their meetings were characterised by great decorum and sobriety. The charge for dinner,—which was to be on the table soon after two o'clock,—was fixed at one shilling a head, the only wines sherry and claret, and the reckoning to be called at six o'clock; such were the original rules. It was only when this moderation was encroached upon, and large bills incurred, that the Club began to fall off.

There is little in the sederunt-book of interest as regards

[1] See notes to *Redgauntlet.*

[2] *Sister Peg* (perhaps the prototype of *Dame Europa*), more properly *Hist. of the Proceeds. in the case of Margaret, commonly called Peg, only lawful Sister to John Bull, Esq.*, the most effective of the many literary effusions connected with the Militia agitation, was written by Prof. Adam Ferguson. It is believed to have been instrumental in enabling Lord Chatham to establish regiments of Highland Fencibles, after Captain Thurot had shaken the nerves of the lieges by taking his French man-of-war past the British fleet to the north of Scotland. "Did not the heart of every Scotchman burn with shame and indignation when he beheld a people inferior to none in Europe, trembling at the approach of Thurot's pitiful armament, and waiting in a state of helpless dejection till they should feel where the blow should fall?"—*The Question relating to a Scots Militia* (Edin., 1760), p. 38.

the business of the society. In such an institution, where dining is a chief object, the highest crime known is absence. Several fines upon the members are recorded as having been inflicted — or remitted upon sufficient cause being shown. Thus: "Friday 21, July 1775.—Sir John Whitefoord was not in town for a fortnight till two o'clock on Friday, when he had an invited company to dine with him, being his birthday. D[avid] H[ume]." This was deemed satisfactory; but the author of *Douglas* seems not to have fared quite so well in the case of his absence, as the following record shows: "21 Feb. 1783.—The bill to be sent to him (Mr John Home), who, though one of the members appointed to attend, neither came nor sent any one to represent him, nor was (like Mr Crosbie) confined by indisposition."

When the office-bearers of the Club were being appointed, the happy thought occurred to them that an *Assassin* should be nominated in case of need. So Mr Andrew Crosbie, advocate, the original of Counsellor Pleydell in *Guy Mannering*, was unanimously elected, probably from something truculent in his manner; at least we may infer so much from Mr Kirkpatrick Sharpe's description of him. But in order, as was specified, to reduce the chance of unnecessary bloodshed to a *minimum*, David Hume was nominated assessor with him in the office. This dignified position of *Assassin to the Poker* Mr Andrew Crosbie held for many years.

It is known to many that the Minute-book of this Club is now deposited in the Library of the Edinburgh University. The previous adventures of this volume are curious, and not so well known. It was for many years in the possession of Sir Adam Ferguson, the friend of Sir Walter Scott, and was highly valued as having been the property of his father, one of the first members of the *Poker*.

Some thirty years ago an advertisement appeared in a London paper of a topographical scrap-book in several volumes, said to contain much curious information connected with Scot-

land, and also certain autographs of distinguished Scotsmen. These volumes were bought by an Edinburgh bookseller, and on examination it was found that certain MS. leaves were contained in them, which, when put together, formed a connected record of the Poker Club. The whole was purchased by Principal Lee of the Edinburgh University, who hastened to acquaint Sir Adam Ferguson that he had secured a part of the Minute-book of the old Poker Club. Then the matter was looked into: and ultimately Sir Adam Ferguson was asked to recall to his memory the circumstance of a gentleman from London waiting upon him on some literary business *to whom he had given, or lent, the volume in question.* However, the leaves having been recovered, it was nobody's interest to say much more about the matter. Then the question arose amicably, who should have the book *now*, seeing that Principal Lee had bought and paid for it, and was well pleased with his bargain. Such is the College tradition.

Ultimately the leaves were restored to the original owner, who presented the old sederunt-book, now clothed in purple morocco and gold, to the Library of the University.[1]

[1] The inscription in the owner's own hand runs—

"This Minute-book of the Poker Club of Scotland I found in the repositaries of my late father, Professor Adam Ferguson, and I now feel gratified in presenting it to the Library of my 'Alma Mater.'

"Adam Ferguson.

"Edinburgh, 24th November 1854."

Sir Adam Ferguson died one month after this date—that is, on 25th December.

The fullest details of the Poker Club are given in the *Autobiography of Dr Carlyle* of Inveresk, who was one of the original members. This work was not published till 1860, and it is unlikely that Lord Campbell could have had access to it in its MS. state, otherwise his account of the Club might have been more accurate than it is. He places it just ten years too far back—that is, as having been founded in 1752,—and states that the "Select Club" sprang from it; whereas the case is exactly the reverse. His statement that the Club collapsed from the poverty of the members is equally erroneous; it was the extravagance of certain members in regard of wine and dinners which ruined the Club, as explained by Carlyle.

Mr Erskine was admitted a member of the Royal Company of Archers on the 11th August 1770;[1] and on 12th January 1783 he was unanimously admitted by ballot to the Honourable Company of Golfers, as minuted in their Record Book.

The best known man in Edinburgh at this time (1772) probably was Mr Erskine's kinsman, Thomas Alexander, Earl of Kellie. He was for many years director of the concerts of the St Cecilia Society, and is generally known as "the musical" Earl of Kellie. He had studied long in Germany under elder Stamitz, and had attained a good reputation as a composer. Mr Robertson, author of *An Inquiry into the Fine Arts*, speaks of him as "the greatest secular musician in his time in the British Islands," and of his compositions[2] being characterised by "elegance mingled with fire." He employed himself chiefly upon symphonies, but in a style peculiar to himself. "While others," it was said, "please and amuse, it is his province to rouse, and almost overset his hearer. Loudness, rapidity, and enthusiasm announce the Earl of Kellie!"

The case of this distinguished musician is one of those that tell heavily against the theory,—which many would be glad to see established,—of the refining power of art. Much of his music, especially some of his minuets which he produced from time to time, and dedicated to ladies of his acquaintance—the Duchess of Gordon, Lady Ann Barnard, Mrs Campbell of Shawfield, Mrs Hamilton of Bangour, and others—are very

[1] *Hist. Royal Company of Archers.*

[2] The greater part of his compositions are believed to have been lost. Mr Charles Kirkpatrick Sharpe, who published in 1836 a neat volume, now somewhat scarce, of the *Minuets, &c.*, by the Earl of Kellie, writes: "Being always remarkably fond of a concert of wind instruments, whenever he met with a good band of them, he was seized with a fit of composition, and wrote pieces on the moment, which he gave away to the performers, and never saw again."

charming. Still it is certain, that of all the boisterous, free livers of the age, no one was so free or so boisterous as Lord Kellie. His rough good-nature is said to have been very attractive to men younger than himself; and to them his manner of life was dangerous in a high degree, in an age when a coarse joviality was apt to be looked upon as a sign of good-fellowship.

Many were the hard hits which Mr Erskine aimed at the unruly living of his kinsman. For example: on one occasion Lord Kellie was amusing his company with an account of a sermon he had heard in a church in Italy, in which the priest related the miracle of St Anthony; who, when on shipboard, attracted the fishes by his preaching, so that in order to listen to the pious discourse, they held their heads out of the water. "I can well believe the miracle," said Mr Erskine. "How so?" "When your lordship was at church there was at least one fish out of water."

One of the best parodies in the language is that addressed by Mr Erskine to the Earl of Kellie. In a bygone generation the lines were held in estimation for their clever fidelity to the original, as well as for the graphic description they convey of a state of things with which Lord Kellie had unhappily identified himself. The little piece, which was more than once printed during the latter part of the last century, and in the early part of the present, is a satirical imitation of a poem —at one time well known,—by Ambrose Philips, entitled a *Fragment of Sappho.* "This translation," said Addison, "is written in the very spirit of Sappho, and as near the Greek as the genius of our language will possibly suffer." But as in these days Ambrose Philips has become wellnigh as obsolete as Turnour, or Thomas Churchyard, it may be prudent to give the original along with the imitation. Thus it runs:—

"Blest as th' immortal Gods is he,
The youth who fondly sits by thee,
And hears and sees thee all the while
Softly speak and softly smile.

'Twas this deprived my soul of rest,
And raised such tumults in my breast;
For while I gaz'd in transport tost,
My breath was gone, my voice was lost.

My bosom glow'd, the subtle flame
Ran quick thro' all my vital frame;
O'er my dim eyes a darkness hung;
My ears with mellow murmurs rung.

In dewy damps my limbs were chilled;
My blood with gentle horrors thrilled;
My feeble pulse forgot to play;
I fainted, sank, and died away."

Mr Erskine's parody is as follows; but it is proper to premise that he had Lord Kellie in his eye while he penned the satire, and that it is not to be taken too literally as a description of his own experiences in his lordship's festive society—

"Drunk as a dragon sure is he,
The youth that dines or sups with thee;
And sees and hears thee, full of fun,
Loudly laugh, and loudly pun.

'Twas this first made me love my dose,
And raised such pimples on my nose;
For while I filled to every toast,
My health was gone, my senses lost.

I found the claret and champagne
Inflame my blood and mad my brain;
The toast fell faltering from my tongue;
I hardly heard the catch I sung.

I felt my gorge with sickness rise;
The candles danced before my eyes;
My sight grew dim, the room turned round,
I tumbled senseless on the ground.

It has been attempted to deprive Mr Erskine of the author-

ship of this piece. The evidence in the case, however, is very clear. In the first edition of the *Court of Session Garland*, published in 1837, and elsewhere, the lines are stated to be by the "Honble. Henry Erskine, and addressed to the Earl of——." In the second edition, issued by Mr Maidment in 1871, they are said to have been written by Mr Richardson, solicitor in London, "*one line* being from the pen of Mr Jeffrey." Nothing is said of any authority for this statement, or change of opinion. Probably Mr Maidment was not aware that the verses in question were published exactly as they appear in the *Garland* (except with such verbal variations as "hardly," for "scarcely") in the *Annual Register* so far back as 1786 (vol. xxviii. p. 150), and there attributed to Mr Erskine. They are also to be found in the MS. volume of Mr Erskine's poems in the Advocates' Library, believed by Mr David Laing to have been transcribed, and partly corrected by Mr Erskine himself about 1780. Here the lines are given as addressed to "the Earl of——." It is hardly necessary to point out that Francis Jeffrey at this time was a boy attending the High School. The Mr Richardson mentioned was, it is believed, a friend of Mr Walter Scott's, Jeffrey's, and Lord Murray's, and of the same standing.[1]

It is, moreover, very obvious, though the editor of the second issue of the *Garland* overlooks the fact, that by ignoring Mr Erskine's authorship of the lines, the insertion of the piece is rendered *mal ápropos*. It is not suggested that the manners of the Bar are here satirised, however appropriate such a description might have been; so that the only connection between the piece, as there given, and the Court of Session, rests on the "one line by Lord Jeffrey"—which has no existence.

The form in which the piece appears in the *Garland* would convey the idea that Ambrose Philips's original, if known, had never been compared with it. A merit of the parody is, that

[1] See *Correspondence of Lord Jeffrey, passim.*

it follows the model verse by verse. In neither edition of the *Garland* is the piece given in verses, nor the name of Ambrose Philips mentioned.

Between Mr Erskine and his cousin it is undoubted that musical taste was the strongest bond of sympathy, and one in which Mrs Erskine could cordially join.

Probably it was while Mr Erskine was connected with the St Cecilia Society, and the musical doings in which Lord Kellie appears to the greatest advantage, that Mr Erskine wrote a lengthy poem of 150 lines or more, entitled *The Musical Instruments; a Fable—to a Friend*, which, it is believed, has never been printed entire.[1] In it reference is made alike to Lord Kellie's musical talents, and to the pre-eminence of the violin, his own favourite instrument, as it was his cousin's:

> "The Beaus and Belles were gone, the Concert o'er,
> And *Kelly*'s sprightly strains were heard no more.
> Thro' the deserted room, dead silence reigned,
> And still and dumb each tuneful string remained,
> When, from the case in which a Fiddle lay,
> Arose a voice that said, or seemed to say,
> 'Basses, and Tenors, Kettledrums and Flutes,
> Trumpets and Horns, Fiddles and Flagelutes,
> From you that solemn groan to you that squeak,
> Patient attend, and hear a brother speak.'"

The proposal is that a king should be elected from amongst the instruments. Each advances his claim, fortifying the same with reasons, at considerable length:—

> "With loud commanding note the Fiddle swore,
> Ne'er was his preference denied before.
> 'Twas he that still employed the Master's hand,
> Followed obsequious by the listening Band;

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[1] Professor Daniel Wilson quotes four lines of it, referring to the Earl of Kellie, which he believes he got from Charles Kirkpatrick Sharpe, but was not aware of the existence of the rest of the piece, which may be found in the MS. volume. —See *Reminiscences of Old Edinburgh*.

Nay, swore that *Kelly* learnt from him the art
To rule, with magic sounds, the human heart."

Ultimately the humble Pitchpipe, with its one powerful note, is proclaimed king; pointing a moral.

Lord Kellie himself appears to have written at least one song, which has been variously described as showing humour and ability, and again, as being excessively dull and stupid. Fragments of a lyric piece entitled "*The Kelso Races*" have been preserved, and if that is the poetical effusion in question, it is easily to be understood how such diverse opinions might exist. It consists of, for the most part, jocular allusions to many of the Border families, which, no doubt, had a certain interest for those concerned at the time it was written; but, judging from the fragments which remain, it was done in very clumsy style.

There has been printed, more than once, a very neat little piece of only eight lines, to which the name of Lord Kellie has been attached. This is the form in which the little bit appears:—

A Lover's Message.

"Ye little nymphs that hourly wait
To bring from Cælia's eyes my fate,
Tell her my pain in softest sighs,
And gently whisper, 'Strephon dies.'
But if this won't her pity move,
And the coy nymph disdains to love,
Tell her, again, 'tis all a lie,
And haughty Strephon scorns to die."

The music to which these lines are set is certainly by the Earl, and may be found in the *Minuet Book* by Charles Kirkpatrick Sharpe.

The lines recall, in some sort, Sir Gilbert Elliot's "My sheep I neglected," though, of course, in a lower mood.

Upon this slender foundation a well-intended effort was made towards the re-establishment of Lord Kellie as a more

gentle being than the evidence which has come down to us would suggest.

It was thought that, if music be, indeed, the speech of angels, he who had so much music in himself, albeit not of the most gentle description, must have been fit for something better than the *Kelso Races.* If Lord Kellie did write these lines, he, most likely, was a man who, under a rough exterior, in harmony with the rollicking times in which he lived, bore a gentle nature which—it may be—only found expression in the rare moments when he allowed his softer thoughts to find vent in such lines as the *Lover's Message.* So it was argued;—and search was made for something more, of a nature similar, from his lordship's pen. Mr Frederick Locker, who had printed the lines, as Lord Kellie's, in his excellent little volume of *Patchwork,* having picked them up with other specimens of Scottish homespun during a visit in the North, took interest in the search. The lines were traced here and there, and the case seemed hopeful; but, alas! it appeared that Ritson, in his *Select Collection of English Songs,* had stated that another copy of the lines than that given by him was to be found in the *Musical Miscellany,* published in London in 1729. This was the kick of Alnaschar which shattered the well-meant little scheme of rehabilitation, seeing that Thomas Alexander, Earl of Kellie, was born in 1732.

There is a portrait of Lord Kellie as frontispiece to the volume of his *Minuets,* a coarsely done engraving. It would however, have needed a strongly charged palette to do justice to the rich tones of his lordship's countenance, rivalling those of Bardolph himself in brilliancy,—a countenance, a few glimpses of which Foote, the actor, thought would be beneficial to his cucumbers, which had seen *no sun that year.* He begged his lordship to have the kindness to look over the wall and beam upon them beneficently.[1]

[1] The father of the musical Earl of Kellie was considered to be of a somewhat sluggish intellect. He was "out" in the '45, but all the force he could muster

In dealing with this period of Henry Erskine's time, and its clubs, in this impartial narrative, it is unavoidable that some notice should be taken of another Society, very characteristic of that age. The subject is not without difficulty.

It may be remembered that, at the remarkable, "elegant," and not-very-reputable dinner given by the *caddies*, the porters, and chairmen of Edinburgh to their patrons after the Leith Races, record of which is to be found in *Humphrey Clinker*, "Mr Fraser," the presiding caddie, gave several toasts, the meanings of which have puzzled many readers since the time of Smollett, who, perhaps, knew himself what was meant by the "Best in Christendom," "Gibb's Contract," and the "Beggar's Benison," though he very properly represents Melford, in his letter to Sir Watkin Phillips, as being ignorant of what was alluded to in these toasts, to which he was called upon to drink.[1]

Hitherto only vague and fragmentary details have from time to time appeared regarding the origin and doings of the Beggar's Benison. Pretty full information has, however, recently come to light regarding this eccentric Club, which seems to have been a most popular institution in the last century, surviving into the early part of the present. While nominally it was a society for the collection of "good" songs, stories, jokes, and *facetiæ* of all kinds, it supplied a want,

was himself, his body-servant, and an old military officer. He was three years a prisoner in Edinburgh Castle; and when shown a list of persons whom the Government had resolved not to prosecute further, his own name being at the top, and that of Mr William Fidler of the Scotch Exchequer at the foot—"Oh," he cried, "is not this a wise Government, to begin wi' a fule and end wi' a fiddler!"

Archibald Erskine, who succeeded his brother, the musician, as seventh Earl, was a man of a different stamp, as may be gathered from "*A Short Account of the Life and Opinions of Archibald Earl of Kelly*," by the Rev. George Gleig, LL.D. (afterwards Bishop), 1797. Though he entered the army young, and served twenty-six years, the Jacobite tendencies of his family were a bar to all promotion.

[1] *Humphrey Clinker*, ii. 242, edition of 1771.

evidently felt, of an outlet for the most exuberant and outrageous fun, and jocularity of the roughest description. The Society, as it existed in those times, appears to have been raised upon the foundation of a former association of the same name, established at Anstruther in Fife, in memory of some adventure of King James V. in that neighbourhood, or, as some say, by that merry monarch himself, when he wandered the country in the character of the "Goodman of Ballengeich," and figured in such scenes as those which (to use the words of the Bishop of Dromore) he hath celebrated with his own pen in the ballads of the *Gaberlunzie Man* and *The Jolly Beggar*. All his royal successors are said to have been members of the order. The resuscitation of this ancient brotherhood, as an Order of knighthood and good-fellowship, was, it appears, effected by a certain *Sir* John Macnaughtan, Collector of Customs at Anstruther, famed for his convivial gifts of song and story, assisted by Mr Dishington, Town-Clerk of Crail, an individual hardly less richly endowed than himself; and a certain Sandy Don, a schoolmaster in those parts, described as a fellow of infinite humour; later, it flourished under the auspices of the Earl of Kellie. Judging from the records of the Club that have been preserved, it is difficult to say who, of any prominence in literature, or society, at that time, was not a member of the Beggar's Benison.[1] It is emphatically said that almost every nobleman in Scotland had at one time been balloted for as member; officers of all classes; and, as it would appear, several clergymen, who did not think the dignity of their position infringed by membership.

The cause of the revival of such an institution, at Anstruther,

[1] From a notice in *Ruddiman's Magazine* of the year 1768, it would appear that this Order had been in existence from the middle of the century. It is there reported from Anstruther that "on Wednesday 30th Nov. 1768, being Collar-day of the most puissant and honourable Order of the *Beggar's Benison*," the Knights Companions being met, re-elected, as their Sovereign, Sir John M'Nachtane, that being "the twenty-fourth year of his guardianship."

was, doubtless, the fact of such capable men as those mentioned being at that time resident in the East Neuk of Fife. Thus it was almost matter of necessity that Mr Erskine should be a member of an Order established, so to say, at his own door, and by his own kinsman, though it is not absolutely certain that he was.

There was one great annual meeting held at Anstruther, whereat all members were obliged to dine in their sashes of green silk, and with their gold medals, the badge of the Order.

The initiation may be guessed to have been a piece of very grotesque humour, judging from the paraphernalia used on such occasions, which are still extant. A copy of the diploma of fellowship, and knighthood of Colonel Sir William Wemyss has been shown to me. It is a very curious production. It purports to be granted by "The supereminently beneficent, and superlatively benevolent, The Right Honourable Thomas, Earl of Kellie, Viscount Fenton, Lord Pittenweem, a Baronet, Commander of the Order of Gustavus Vasa, Sovereign of the Most Ancient and Puissant Order of the Beggar's Benison and Merryland.[1] In the first year of his guardianship, and in that of the Order 5820. . . .

"Done at the Beggar's Benison Chambers at Anstruther," &c.

Throughout the document "lively sallies" and facetious allusions are plenty as blackberries, and of a complexion nearly as highly coloured. As for certain of the devices, &c., which had been contrived by the original founders, it is necessary to be round with these gentlemen, and to say that they have managed

[1] It is not improbable that the term "Merryland," as part of the title of this festive order, was taken from the opening passage of the old ballad "The Jew's Daughter," a MS. copy of which was sent from Scotland to Bishop Percy, and may be found in his *Reliques*.

"The rain rins doune through Merry-land toune,
Sae dois it doun the Pa:
Sae dois the lads of Merry-land toune,
Quhan they play at the ba!"

to display, in these, a most execrably bad taste. One very harmless seal preserved among the relics bears a boldly-cut device of what are probably the insignia of the town of Anstruther, three fishes in triangle; if the use of these by the Benison was emblematical, it may safely be affirmed to have been so in respect of some quality in fishes other than *silence* and *cold-bloodedness*. Several of the toasts and sentiments peculiar to this fraternity have been preserved. It is sufficient to say that they are for the most part characterised by rough humour such as we may well believe would have been cordially received at the not very select assembly of *caddies* presided over by "Mr Fraser" in his clean shirt, and three-tailed wig. The fees for the diplomas, which are highly enriched with classical and other devices, were three guineas. The entrance-money was ten guineas, and the price of the medal in gold five. These medals, the designs of which are classical, it is understood, have attracted considerable attention from those interested in Numismatics, by reason of their beautiful workmanship.

As the popularity of the Club increased, it was resolved to transfer the headquarters of the Beggar's Benison to Edinburgh, where their festivities may be imagined to have rivalled, if not surpassed, those conducted under the presidency of Counsellor Pleydell at Clerihugh's Tavern.

In place of the "crambo" chant, the favourite of that distinguished lawyer—

> "Where is *Gerunto* now? And what's become of him?
> *Gerunto's* drown'd, because he could not swim," &c.,

the Beggar's Benison were in use to give forth a lyric gem of a similar water, the product of the Muse of Monipenny of Pitmilly, their Poet-Laureate, which can hardly be said to be much to her credit.

This is how the poet himself sang it. The chorus, for obvious reasons, was simple in the extreme, so that he who drank might sing—

"Was you e'er in Crail town?
Igo and ago:
Saw ye there Clerk Dishington?
Iram, coram, dago.
His wig is like a drookit hen,
Igo and ago.
. . . . .
Keep ye weel frae Sir Michael Ma'colm,
Igo and ago,
If he's a wise man I mistak 'im,
Iram, coram, dago," &c.[1]

Such was the order of the Beggar's Benison, of which Dr Andrew Duncan used to boast that he had been a Knight Companion for many years.

Practical joking was of necessity a part of the ordinary routine of such gatherings. The relation of how one of their number, Sir John Malcolm, was wont to monopolise too much of their valuable time with the story of his foreign travels, and how, by the skilful manipulation of his glass of punch, the nuisance was curtailed, was worthy of the ingenuity of the author of *Peter Simple.*

At one time there was a certain mystery, and some distrust experienced, with respect to this old Club; and it would appear that exaggerated rumours regarding the "ongoings" of the old revellers got abroad. In the *Topographical Collec-*

[1] It will be observed that Mr Monipenny has adopted the refrain of the old ballad of *Sir John Malcolm*, which appeared in Allan Ramsay's collection, long before Burns made use of the same in his lines, "on a wrapper enclosing a letter to Captain Grose."

The powers and scholarship of "Tom Dishington, sometime Clerk of Crail," are shown in the following scrap of "macaronic"—

"Saccum cum sugaro, cum drammibus in a glasso,
In hoc vervece, est melius quam pipe o' tobacco.
Alli cum bikero, cum pyibus out o' the oono,
Cum pisce, Crelli nominato vulgo caponem.
Quid melius si sit ter unctus butyro?
Virides et beefum, cum nose-nippante sinapi," &c.
. . . . . .
"Sic tonuit Thoma Dishingtonus ore rotundo."

tions, Fife, vol. vi., which belonged to the late Mr Maidment, occurs an interesting letter on this subject, which is worthy of consideration. The writer says: "From clergymen being amongst its members (I have the parchment diploma of my grandfather, who was one, with the seal appendant, dated 27th May 1767, in which he is made 'Dean of the Order for the shire of Argyle and the Western Isles'), I am disposed to think it must have been a convivial club of distinguished and clever men addicted to literature." The writer goes on to explain that probably the seal was the only objectionable feature of the Order, otherwise his grandfather, who was a respected parish minister for fifty years, would not have been of it. There is show of reason in this.

If one were to hazard a theory in this matter, it might be that there was a considerable amount of braggadocio, and affectation of extreme coarseness, put on by these gentlemen of "the Benison" to support the idea of the character of the royal and rollicking Beggar, their prototype. A similar assumption of character, with appropriate forfeits—it will be remembered—was in progress by Counsellor Pleydell and his companions when they were caught in the midst of their "jinks" by Dandie Dinmont. The remark of the many-sided experimentalist, Samuel Pepys, regarding "Killegrew and young Newport" is somewhat apt, in respect of these old revellers of Anstruther: "Loose company,—but worth a man's being in, for once—to know the nature of it, and the manner of their talk and lives."

Many points regarding this festive fraternity are now explained through the circumstance of the chest containing the relics of the old Club having come into the hands of a worthy and learned gentleman, the Rev. Dr J. F. S. Gordon of Glasgow, author of *Scotichronicon* and other valuable works, the son-in-law of the late Matthew Forster Conolly, Town-Clerk of Anstruther, author of the *Biographies of the Eminent Men of Fife*, &c. Mr Conolly was, at the time of his death,

a few years ago, the oldest Town-Clerk in Scotland: he was also the last surviving member, or "knight" of this distinguished Order, which, being founded on something analogous to the Tontine system, by which "the longest liver bruiks a'," became, in the course of time, proprietor of all that remained of the Society, which had enjoyed only a mythical state of existence for many a day. Amongst the relics are still preserved the green silk sashes of many of the members, diplomas, and gold medals, badges, &c. At the time Mr Conolly became the sole proprietor,—Dr Gordon writes,—there was some £70 in money, which his father-in-law very judiciously handed over for the benefit of the schools at Anstruther.[1] Dr Gordon, and others, justly consider that these relics have a certain value as illustrating a phase of manners now long lost sight of. It is through the kindness of this learned gentleman that I am enabled to lay these details before the reader.

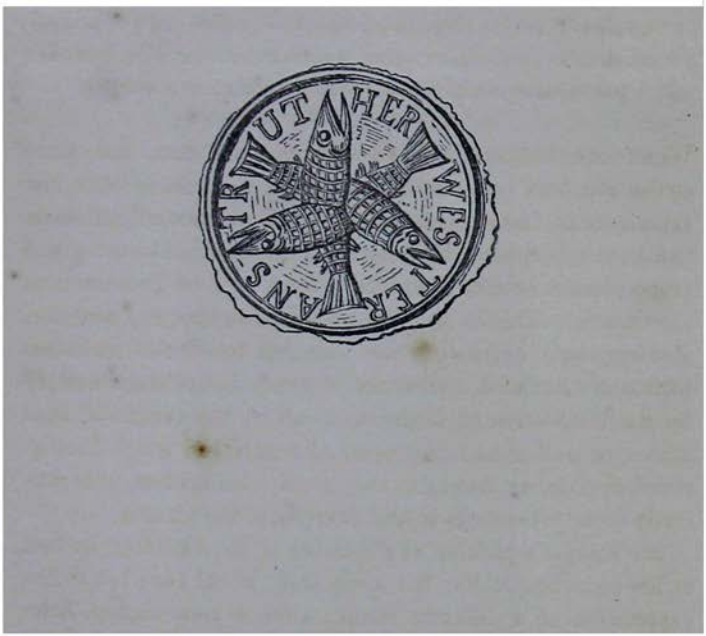
It should be borne in mind that all this absurdity was at its height before the French Revolution came suddenly to sober men's minds with anxiety; and as Fox, who was no mean judge in such things, has said, for ever to put an end to "*good conversation and conviviality.*"

"We cannot reform our ancestors," says George Eliot. This is true, and 'tis a pity; for if it were otherwise, and some process of reciprocal reformation possible, the balance of advantage might possibly not be found inclining altogether to

[1] There was at Anstruther another fraternity of a different sort, founded early in this present century—namely, the "Muso-Manik Society,"—*flagrantes amore Musarum*,—of which Sir Walter Scott, Professor Wilson, the Ettrick Shepherd, and other well-known men were members, the object of which was the cultivation of the harmless *Bouts-rimés*. From the fact of Mr Conolly having been also Treasurer to this Society, the relics of it, likewise, fell into Dr Gordon's hands. The parchment diploma of the Ettrick Shepherd (or a duplicate) is before me, a very remarkable document, the humour of which is somewhat heavy and laboured. Sir Walter Scott, in thanking them for his, wishes them enjoyment of "the hours of relaxation they may dedicate, in their corporate or individual capacity, to *well-timed daffing.*"

their side. The knights of the "Beggar's Benison" are gone, so is their outrageous merriment—clean gone as *Gerunto;* but have we not, in these enlightened days, good store of

> "Nimble jugglers that deceive the eye,
> Disguised cheaters, prating mountebanks,
> And many such like libertines of sin"?



CHAPTER VI.

PROCURATORSHIP—"HIGHFLYERS" AND "MODERATES"—CASE OF THE REV. JAMES LAWSON—DEATH OF AGNES, COUNTESS OF BUCHAN — SPEECH OF LORD ERSKINE — TAVERNS — CASE OF JOHN WRIGHT, ADVOCATE—LEGAL EXCLUSIVENESS—WILLIAM ADAM—LORD ERSKINE'S DUEL—LADY ANNE ERSKINE AND LADY HUNTINGDON —THE GORDON RIOTS—LADY ANNE'S LETTER, AND WORK.

WHEN Mr Erskine had been little more than ten years at the Bar, and had acquired a reputation for knowledge, and experience in Church matters, the result of his constant attention to the business of the General Assembly, his name was proposed as a candidate for the vacant post of Procurator to the Church. This is an office of much dignity, and considerable responsibility, seeing that amongst the duties connected with it are included attendance at every diet of the Assembly for the transaction of business, to afford the benefit of legal advice, as well as to report upon all matters in which Presbyteries, Synods, or Assembly may require his opinion, and generally to act as counsel in the interests of the Church.

Mr Erskine's position as a member of the Assembly, as well as his eminence at the Bar even then, would have led to the expectation of a different result; after a keen contest, however, a "narrow majority" was declared to be in favour of William Robertson (eldest son of Dr Robertson, the eminent historian, and Principal of the University of Edinburgh), who afterwards became Lord Robertson, on promotion to the Bench.

The keenness of the contest for this office was probably less in respect of the rival claims of the aspirants, or their professional fitness, than from the antagonism of the two great parties in the Church. Mr Erskine was identified with the Evangelical section, or "Highflyers," as they were styled, and on all occasions opposed himself to the "Moderate," or Tory side; for, after all, it was as much a question of politics as of religious feeling that kept these two bodies apart. The "Wildmen" or "Highflyers" in Scotland answered in some measure, to the party of the same name, or "Tantivies," in the Church of England, though, of course, their aims were not the same. The latter had in view the power and authority of "the Church;" the former professed a stiffness in doctrine, and austerity of life, which it was alleged was not always observed in practice; while the "fanaticism"[1] of which they were accused was little more than a name.

Of *Moderation*, on the other hand, many severe, and some bitter things were said. It was "a *thaw* of zeal with not an *icicle* of consistency left." Toleration was extended to "the Mohametan brethren," and "the Alcoran,"—and so on. In reference to the charge that their toleration was only for those of their own side, it was alleged that when the powers of darkness "roasted *this Moderation*, they let the spit stand still; one side was *burnt to a coal*, and the other was *blood-raw*;" but there is no evidence of that intense rancour which was unfortunately so rife thirty-five or forty years ago, when these terms were revived in Scotland.

Especially Mr Erskine set himself to denounce the system, dear to the Moderate party, which it pleased him to describe

[1] One of Kay's caricatures is entitled "The Modern Hercules Destroying the Hydra Fanaticism," and represents Dr Carlyle brandishing a club over the monster, whose heads include portraits of Dr Dalzell of the Edinburgh University, Dr John Erskine of the Greyfriars Church, Henry Erskine, with finger upraised in a warning attitude, and one or two other leaders of that school.

as the *ancient* rights of Patronage—"as old," he would say, "as the Tory Ministry of Queen Anne."

In the most interesting picture of manners of this period, which Dr Carlyle of Inveresk has left, there is no evidence that the advanced party in the Church differed in their mode of life in any degree from that of the other, whose views have been associated in men's minds with "stagnation," or "sobriety of thought," according to the point of view selected. Indeed, the manners of one of the principal leaders of the Evangelical party, as described by Carlyle, go far to bear out his saying that no clergyman of that day could hope for success unless he had a head of sufficient hardness to bear him scathless through the "convivialities" of society.

It is hardly necessary to say that Erskine and Robertson were never other than the best of friends after this contest.

Mr Erskine's experience in ecclesiastical affairs, as well as his other qualifications for the task, led to his being employed in one of the earliest of his causes of which there is any record. This was the case of the Rev. James Lawson of Belvidere, which had become almost proverbial as an example of delay in the administration of the law of the Church before Mr Erskine's connection with it.

This much-suffering minister was son of the laird of Belvidere, a small estate in the neighbourhood of Auchterarder, who had, it was said, warmly opposed the settlement of a Mr Campbell as minister of that parish. The elder Lawson having died, his son determined to enter the ministry, and on the completion of his studies, applied to the Presbytery of Auchterarder to undergo his trials, with a view to obtaining his licence. According to Kay,—who gives amongst his portraits a full-length likeness of Mr Lawson,—Mr Campbell was not averse to showing a vindictive feeling against the son, which he had no opportunity of manifesting towards the father. Be this as it may, *six years* were allowed to elapse without the consideration of Mr Lawson's claim to be admitted to the

ministry being taken up, and no ground had been assigned for this extraordinary delay.

It was not till 1777 that Mr Lawson appeared before the General Assembly as a "petitioner for justice," when his appeal against a sentence of the Presbytery of Auchterarder refusing to receive him on licentiate trials, with reasons of dissent and complaint by some members of Presbytery, were taken into consideration. In the petition it is complained that, "As soon as the appellant had made his requisition to be taken on trials, the ministers withdrew from the Presbytery-house without closing the sederunt, to the house in which they were to dine; and after dinner they sent their officer for the appellant, and without calling for a single elder up-stairs, or assigning any reason at all for their refusal, they (6th May 1777) did by a majority refuse to grant the appellant's request."

This had the appearance of scant justice towards the aspirant to the ministry. The "reasons of dissent" by certain members of the Presbytery show that they had this impression. It is stated that "Mr Lawson's moral character is irreproachable; that nothing is alleged against him except some improprieties of *behaviour;* that his *recluse and studious life may have kept him a stranger to the fashion of this world* which passeth away; but that the want of these superficial accomplishments is amply compensated for by a considerable proficiency in human literature, and in theology, by a simplicity, sincerity, and humility of deportment; and that, in fact, the Presbytery, on the principles on which they rejected Mr Lawson, would have rejected *John the Baptist,* who was bred a hermit, unfashioned to this world."

It was likewise contended by these dissentients that the "tenderness and candour" directed by the Assembly to be exercised towards the applicant had not been used during the past three years.

The result of a lengthened hearing of the case was that the Auchterarder Presbytery were ordered to take Mr Lawson on

trials with all speed. The "upshot" was as might have been anticipated; and again, in 1778, Mr Lawson appeared as a petitioner before the General Assembly, complaining of the "rejection of a discourse he had delivered before the Presbytery as part of his trials, and remitting him to his studies."

It was at this stage of the business that the Honble. Henry Erskine appeared as counsel for the petitioner—Messrs Scott Dunbar, and Wright, being for the Presbytery. What Mr Erskine's opinion of the case was may be gathered from his procedure in his client's behalf. After both parties had been heard, and everything that human tongue could say had been urged in his favour, and against him; the Assembly agreed to read Mr Lawson's prayer and homily, to which exception had been taken—but this proposal was promptly checked *by Mr Erskine withdrawing the appeal.*

This line of action of his counsel was no doubt adopted with sufficient reason. But the case was by no means over, although Mr Erskine's connection with it seems to have ceased. There was further appeal, and further dissent from the judgment of the Assembly. Poor Mr Lawson, whose sufferings had gained for him the name of the "Job of the Present Times," ultimately found rest for the sole of his foot amongst a body of Dissenting clergymen in London, from whom he at last received the reward of his persevering efforts to obtain a licence to "wag his head in the pulpit."[1]

It was in 1778 that the excellent Countess of Buchan, Henry Erskine's mother, died in Edinburgh, carrying, as we cannot doubt, a pure and gentle face to heaven, as Horace Walpole had forecast. She lived long enough to see her two

[1] An account of the proceedings in Mr Lawson's case was published by that long-suffering individual about 1785; also, *Three Letters Addressed to Candid Christians of all Denominations.* Though not mentioned in Kay's book, the Minutes of the General Assembly show that Mr Lawson appeared again in the year 1789, asking the venerable Court to "resolve this short question"—whether he might not accept a call to a parish in Scotland were it offered to him? The answer was as short as the question.—See *MS. Records*, pp. 186, 187.

younger sons established, with every chance of distinction, at the Scotch and English Bars.[1] These two great lawyers, as also her eldest son, were deeply conscious of the debt they owed to their mother's careful and intelligent tuition. But it appears that it was not until Lord Erskine's return to Scotland, in his old age, that he became aware how deeply he and his brother were indebted to their mother's family for their great reputation as lawyers. Thus he quaintly expressed himself in an after-dinner speech, on a very memorable occasion :—

"Finding *since my arrival* [in Edinburgh] that I am come lineally and directly from so many great lawyers in Scotland—from such men as the Viscount Stair, Sir Thomas Hope, and Sir James Steuart—I am forced to see that I owe my success entirely to the breed, and not to any merit in myself. One of my great-grandfathers above-mentioned did every thing an honest man could do to be hanged, under James the Second, and was afterwards King's Advocate under King William. My coming, therefore, utterly unknown, into the back row of the Court of King's Bench at Westminster, was like going out to hunt with a strange cross-made dog, and very much out of condition, which was just my case; and when perhaps there might be a talk of hanging him, he snaps up the first hare that is put up; but the fame of the individual dog would soon be at an end when it was found out that he had come from some of the best greyhounds that ever ran." [2]

[1] In the letter already quoted (10th Sept. 1810), Lord Erskine writes to his brother: "... I have a picture in crayons of our mother which would quite astonish you. She had been instrumental in bringing into business the late Mr Russell, who became an eminent painter in crayons. He was very grateful to her, and very many years ago he had made a sketch of her, from which, just before her death, with my memory assisting his own, he finished a picture universally admired for its merit as a painting, and so like her that poor Pedgie Dune (*sic*), who had never heard of it, fainted dead before it on coming suddenly into the room in Lincoln's Inn Fields." This picture, it is understood, is now the property of Lady Whitshed, daughter of the second Lord Erskine, and grandmother of the present Duke of Portland.

[2] See *Proceedings at the Dinner given to Lord Erskine in the Assembly Rooms,*

Even after Mr Erskine had been established in George Square, it was the custom for some lawyers to see their clients in taverns. The old custom had hardly yet died out. But every one bestowed his patronage in a greater or less degree upon some particular establishment of the kind, to which he would resort for the "meridian," or mid-day refreshment, with the same regularity as is practised on ship-board. It has been mentioned that Mr Erskine was very "moderate" in his habits, even to the extent of what was considered abstemiousness in those days of free living. His son has stated that at home his only stimulant was a good glass or two of the old Edinburgh ale, that excellent and potent beverage which is unfortunately now almost unknown. This was the *nepenthe* which strengthened, and invigorated, and enabled him to withstand the brazen weapons of James Boswell, Robert Blair, and others, his adversaries at the Bar. But when the day's work was done, and he wended his way to George Square, it was his custom, as well as that of many of the lawyers residing in that elegant quarter, to call at the house of a certain Mrs Flockhart in the Potterrow, and there refresh with one solitary glass of brandy, as much out of civility to the hostess as aught else—it would seem. That is to say, there were all the formalities of hospitality gone through, and the refreshment coming directly and specially from Luckie Flockhart's own bottle, it was not, of course, paid for, at all events at the time,—this would have broken the charm of the entertainment. Periodically, however, these regular guests would come to an understanding perfectly satisfactory to the genial hostess of the establishment, which, within the space of fifteen feet of superficial measurement, combined shop, dwelling-house, and hotel.

George Street, Edinburgh, on Monday, the 21*st February* 1820; *with a Character of the late Hon. Henry Erskine, written at the time of his death, by Francis Jeffrey, Esq.* (Edin., 1820), p. 39. Lord Campbell cannot have seen this pamphlet, otherwise he would not have described, as he does, the great Whig dinner as having taken place in the year 1821.—See *Lives of the Chancellors*, ix. 61, 4th ed.

The usual routine of the numerous constituents of this worthy lady was, as described by Chambers, in entering the shop, to salute her with "Hoo do ye doo, mem?" and a *coup de chapeau*, and then to walk *ben* to the room.

It is very obvious that in those days of hard drinking,—when it was common for both judges and counsel to adjourn from the supper-table, where the joviality had been carried on through the entire night, direct to the Parliament House,—that appetite, and intellect, could have been in but sorry condition. In the case of some of the old and seasoned judges, very little detriment to the lucidity of their intellects was perceptible; but for the benefit of the less hardened of her clients who could not tolerate the sight of breakfast, the kind providence of Luckie Flockhart was conspicuous. At such times "there was provided more solid food than the usual simple refreshments, such as a chop, steak, or stew, prepared by Mrs Flockhart's own hands. This entertainment, termed a *soss*, was always laid out on the bunker-seat in the closet, which was covered with a clean napkin, there being room besides only for a chair."

Such were the simple habits of a generation living before the existence of *clubs*, or what we now understand by the term.

It was about this time that Mr Erskine's kindness of heart found a worthy object on which to exercise itself. The case was that of Mr John Wright, in whom Mr Erskine took a special interest, chiefly, as it would appear, from the fact of his humble *protégé* being friendless, and likely to suffer by reason of the exclusive ideas of certain of the heads of the Faculty of Advocates, into which body Mr Wright aspired to be admitted. John Wright was the son of a poor cottar in Argyleshire, who, by skilful smuggling, carried on between that coast and the Isle of Man, succeeded in maintaining his family in comparative comfort until about the time of the transfer of the sovereignty of the island to the Government, in 1765. Measures of greater stringency

with regard to illicit trading having been adopted, he removed from the Highlands to Greenock. Here the younger Wright was bred to the occupation of a shoemaker; but, in the intervals of his business, or possibly while employed in its mechanical processes, he engaged himself in the acquirement of the Latin tongue, conjugating his verbs upon the wall of his workshop by means of the point of his awl. He was very successful at Glasgow College; and his father, having the ambition, common amongst his class in Scotland whenever a boy shows signs of ability, to have his son advanced to the position of a minister of the Church, he directed his studies accordingly, and was licensed to preach. But as he was never likely, as it turned out, to get a pulpit of his own, having, unhappily, most of the qualities that go to form a "stickit minister," he was prudently advised to devote his energies to the teaching of the higher branches of mathematics, and "military architecture." In these he was very successful. He likewise gave lectures on Roman and Scots Law, which were largely attended. From all of which circumstances, it is evident that he was a man who might have attained a creditable position at the Bar, though perhaps he might not have been an ornament to it. In one sense there could have been no doubt on this head. His uncouth figure and ill-favoured countenance are delineated in more than one of Kay's pictures; and what seems to be even a more life-like portrait, is to be found amongst the celebrities at *The Scotch Bar fifty years ago*, by Kemp.

The minutes of the Faculty furnish curious details regarding the strong opposition which was offered to Wright's admission to the Bar—the leader of which seems to have been Mr Swinton, the Vice-Dean (afterwards Lord Swinton), a member of an ancient family in Berwickshire. A report having been made that Mr Wright was desirous of joining the learned body, and had duly qualified himself, and was prepared to undergo the usual trials, "Mr Swinton observed that he wished this step postponed—a proposition which was

assented to by Mr Wright—till he had had an opportunity of mentioning the intention to the Faculty." He added—"that, so far as ever he could learn, Mr Wright bore a fair and irreproachable character, and he did not mean the slightest reflection against him; but that the circumstances which appeared peculiar in his case were, that at his advanced time of life, it might be presumed that he did not mean to take himself entirely to the profession and practice of the law, but only wished to add the character of advocate to his present employment."

The Hon. Henry Erskine — it is stated — acquainted the Faculty that Mr Wright had conversed with him upon this subject, and had authorised him to assure the Faculty, that in the case of his being admitted advocate, he truly intended to follow the profession of the Bar, and to lay aside private teaching of mathematics, or any other science, except law; and even to confine that teaching to private lectures to such as chose to attend them in his own house.[1]

Ultimately good sense prevailed, and a majority voted for the admission of Mr Wright; but it was not until January 1783 that he succeeded in his endeavours. It is said that this result was in no small degree attributable to Mr Erskine's persistent and characteristic advocacy of his cause.

The real cause of the opposition by Mr Swinton and his party seems to have been the humble origin of Mr Wright; and it is recorded that the Hon. Henry Erskine bantered these high-minded gentlemen to such an extent that they were at last glad to yield, as the readiest means of escape from the droll satire that was directed against their exclusiveness. During one of these discussions, Mr Erskine, after attentively listening to the views of the opposition, remarked,—"Well, well, they say I am the *son* of the *Earl of Buchan*—and you [pointing to ——] are the *son* of the Laird of ——;" and thus, going over the whole *opposition* in a strain of inimitable

[1] See *Kay's Portraits*, i. 269.

and biting sarcasm, he wound up the enumeration in his usual forcible manner—"Therefore no thanks to us for being here; because the learning we have got has been hammered into our brains!—whereas all Mr Wright's has been acquired by himself; therefore he has more merit than us all. However, if any of you can put a question to Mr Wright that he cannot answer, I will hold that to be a good objection; but otherwise it would be disgraceful to our character as Scotsmen were such an act of exclusion recorded in the books of this society. Were he the son of a beggar—did his talents entitle him—he has a right to the highest distinction in the land."[1]

It is certain that neither "the Set," "the Clique," nor "the Gang," which in after years flourished in the Parliament House, would have considered poor John Wright an acquisition to their ranks.[2]

Mr Wright, who never shone at the Bar, appears to have been a great source of amusement to Mr Erskine. Many of his good things were called forth at the expense of this odd creature. A bond of sympathy, however, existed between them; for Wright was strong in his liberal principles of politics, and wrote a pamphlet, anonymously, dealing with sub-

[1] *Kay's Portraits*, i. 269, 270.

[2] These three septs, according to tradition,—in like manner as Ancient Gaul was inhabited,—were wont to establish themselves in three separate parts of the "lengthened hall" of the Parliament House, which

> "Along its side displays
> Charms well adapted for chill winter days,—
> A well-heaped furnace here and there, whose flames
> Mild warmth diffuse through all the lieges' frames;
> Each hearth encircled with stout grated wire,
> Lest new-fledged lawyers set their skirts on fire."
>
> —*November Twelfth.*

This genial warmth and an ample leisure were, in the course of time, found to be favourable to the evolution of ingenious dogmas in social and local politics. John Gibson Lockhart had much to say regarding the wits and philosophers of the *Stove School*—as the phrase went—and their tenets.—See *Peter's Letters to his Kinsfolk.*

jects in which Mr Erskine took the utmost interest during many years of his life—namely, the Reform of the Magistracies of Royal Burghs, and Parliamentary Representation.

One work of his, on mathematics, proved a great success. He secured the copyright of it for seven years—the utmost length of time practicable according to law in those days. "At the end of that period he had the mortification to find his treatise inserted in the *Encyclopædia Britannica*, without permission sought or obtained. Mr Wright was so much offended at this appropriation of his property, that he seriously contemplated bringing the case before the Court of Session; but he was dissuaded from this step by his friend Mr Erskine, who told him just to wait the expiry of other seven years, and then to retaliate by printing the whole of the *Encyclopædia* as an appendix to his own work." [1]

Poor Wright, who had for some time, on account of his reduced circumstances, been in receipt of an allowance from the Faculty, died in 1813. Shortly after his death Sheriff Anstruther met Henry Erskine, and said—

"Well, Harry, poor Johnny Wright is dead!"

"Is he?" answered Erskine.

"Yes—he died very poor. They say he has left no effects."

"That is not surprising," was the rejoinder; "as he had no *causes*, he could have no *effects*." [2]

The question raised in Wright's case of the *age* [3] at which

[1] *Kay's Portraits.* [2] Ibid.

[3] Mr Archibald Fletcher, Mr Erskine's friend, was so impressed with the importance of this matter of the age for admissson, that he wrote a volume upon the subject years before he joined the learned body himself, which he did at the mature age of forty-five, when he found himself *junior* to his young *protégé* Francis Jeffrey. How liberal Mr Erskine's views were on the subject of admission to the Faculty, may be gathered from the following from the Minutes while he was Dean:—

"10*th December* 1787.—Moved by the Dean, and unanimously agreed to by the Faculty, that candidates for the office of advocates shall hereafter, instead of being remitted by the Dean in the usual form, lay before the Dean certificates

an aspirant might be admitted to the Faculty, seems to have been matter of frequent discussion in those days; and Mr Erskine himself does not—on one occasion at least—seem to have been so complaisant as in the case above mentioned, if we may believe what is said of his opinion in certain verses, printed as a broadside, and dated 1785. This effusion is said to have been composed on occasion of the application of Mr John Pattison, son of the Rev. Mr Pattison, minister in Edinburgh, to be admitted a member of the Faculty of Advocates, and who, in spite of much curious opposition, as shown by the piece in question, was admitted two years afterwards. One verse of the broadside, which is to be found in the *Court of Session Garland*, runs thus:—

"H[arry] E[rskine] I'm told
Thought the candidate old
If twenty and five they were past;
Though orator Tom
Should a midshipman roam
And not be a lawyer at last."

The fact, which has been often noticed, that in this age the Law was the only profession in Scotland which exerted any general influence on the opinions of the higher classes of society, was no doubt connected with another, of which there is indication in the case of poor Wright—namely, the extreme exclusiveness of the Faculty. The list of the judges on the Bench in the last century, will be found to contain few names but those of old and influential Scotch families—a circumstance of grave import, which at an earlier date than that in question carried temptation with it. There were few of these well-born Lords of Session who were not inclined to do a good turn, *in modo justiciæ*, to their own kindred when opportunity offered.

It is this that gives peculiar point to the Scotch criticism

of their having had a regular and proper education; that these certificates shall by the Dean be laid before the Faculty, who shall determine by ballot whether the candidate shall be remitted to the examinators or not."

on the wonderful impartiality shown by the English judges set over the administration of Scotch law in Cromwell's time, "Deil mean them for justice; a wheen kithless loons." Whether, since the profession has been thrown open to all, the judges have shown more profound knowledge, or a greater grasp of the law, or more lucidity of judgment than in the old aristocratic days, is a question which only the Faculty are competent to solve. However this may be, the "glorious harvest of *character*" which these grand old men afforded has been for ever swept away.

The following letter belongs to this period; and was intended to convey the intelligence to the brothers in Scotland of the escape, with safety and credit, of Thomas Erskine from a grave peril. Mr Adam,[1] the writer of the letter, was himself an authority in such matters, seeing that he had in 1779 been "out" with Mr Fox, and wounded him, a circumstance which did not in the least degree forbid their becoming the most intimate friends thereafter. The narrative is interesting, as showing how such affairs of honour were negotiated:—

Mr Adam to the Earl of Buchan.

"My Lord,—It is a very high satisfaction to me to be able to free your Lordship from uneasiness and alarm before I discharge the duty of creating those sensations. I had the happiness (I may say) to attend your brother this day in an affair

[1] William Adam of Blair-Adam, barrister-at-law, had been the class-fellow of Henry Erskine at the Edinburgh University. He sat in Parliament nearly continuously from 1774 to 1811. During that time he was the friend and intimate of the Prince of Wales, who had great advantage from his sound judgment. He had a considerable share in bringing into existence the Coalition Ministry. In after years Lord Commissioner Adam—better known as "Willie Adam"—was believed to be the one man "that rivalled Sir Walter Scott in uniform graciousness of *bonhomie*, and gentleness of humour," qualities markedly characteristic of his grandson, the late Right Hon. William Parker Adam, Governor of Madras.

of honour, in which he came off unhurt in person, and what, even in a life so necessary to his family, so respectable to himself, and gratifying to his friends as his is, to his honour in every stage of the business, as well as in the last awfull and serious situation. Having thus informed your Lordship that your brother is safe in person, and as high in every punctilio of honour and courage as his name and his character require, and his brother could wish,—I should ill requite myself of this important confidence he placed in me upon this occasion (a confidence more pleasing to me as the strongest testimony he could give of his reliance in me), if I did not with minuteness narrate the circumstances that led him to take this step to avenge that honour which he has ever maintained with so much credit, and which he now thought must without it have been tarnished.

"Your Lordship may not have heard that when Mr Erskine was at Brighthelmston, he had a very unforseen difference with a Mr O'Bryen, with whom he went out this morning. As the cause of the step he took originated there, I must, that your Lord^p. may know all the circumstances, carry you back to that period.

"Mr O'Bryen was dancing with a lady of Mr Erskine's acquaintance (Miss Aufrere) at the rooms at Brighton. The lady came to ask Mr Erskine with whom she was dancing. He told her that his name was O'Bryen, that he was a surgeon, and that he had seen him on a commission of bankrupts at Guild Hall.

"Soon after Mr Erskine found Miss Aufrere not dancing, and in the presence of Lord Molesworth said he was surprised why she had given over dancing—that nothing he had said should have enduced her to do it—and ensisted on her dancing again.

"Mr O'Bryen had taken a suspicion that Mr Erskine had reviled him, as he expressed it, and wrote him a long and abusive letter in consequence of it. Mr Erskine answered

this letter by saying he had never reviled him, but had said so and so (stating what is said above). Mr Erskine consulted Sir J. Lindsay upon this, who rather thought he sh^{d} not have written, but having written, thought the letter extremely proper, being a mere explanation and no apology. Mr O'Bryen then wrote to Mr Erskine, saying his offence was now defined and absolute, and that nothing else would satisfy him but making an apology before the lady for having reviled his character to her. This was sent by a friend named Brand, who brought a written apology with it, containing declarations to be read by Mr E. before the lady in presence of O'Bryen, to the same purport as those contained in the letter from Mr E. Mr E. immediately said to Mr Brand that he would make no apology, and that he m^{t} inform Mr O'Bryen he was ready to meet him. Brand endeavoured to palliate this, desired Mr Erskine to think of it, that he was sure it might be arranged, upon which Mr Erskine said he objected to any apology, but he had no objection to declare to Mr O'Bryen what he had said before in writing, and if, upon that, Mr O'Bryen would acknowledge he had written his letters in heat, he w^{d} then go with him to the lady, and repeat what he had said to her, and get her to repeat it. Mr E. said this was all he could do, but he would go to Sir J. Lindsay and ask his advice; and if he, Mr O'Bryen, would not acquiesce in this, they must meet. Mr Erskine went to Sir John, who confirmed him, and in some measure pointed out to him this mode of conducting himself, as above. The parties accordingly met, and their interview was as is just stated. From that they went to the lady, where she repeated to Mr O'Bryen what Mr E. had said of him in the very terms he stated it in his letter and conversation. Thus the matter ended, and, as it was hoped, without possibility of revival.

Mr Erskine within these few days learnt that the letters and written apology had been handed about without the intermediate conversation and declaration that he would make no

apology. He felt himself extremely aggrieved, and came to me to ask what he should do on the subject. I told him no person could judge of the honour of another; that he had to consider whether the person to whom he was opposed was an object for his attention; and that he must not think of violent measures in his situation. His mind, however, was too much hurt to take this advice *in toto;* but he agreed, with great propriety, to get at the fact first, and if that were set to rights, to be contented with it. We went first to Mr Brand, who seemed to state the fact with accuracy, only that I mistook him in one particular, and admitted all the conversation with your Br. and him. But when we met Mr O'Bryen, he insisted he had had an apology. This word, however, would have been withdrawn, and the matter might have been arranged if he and Mr Brand would have signed a state of facts which was made out by Mr Erskine, and which Mr Potts, a very worthy man and respectable attorney, who was present at the whole transaction at Bright[n], put his name to. Mr E., upon this refusal, left Mr Brand's house (where we had met to arrange this matter, Mr Potts and Mr Bond, a gentleman at the Bar, and a very particular friend of Mr E., being present), and gave me a commission to deliver Mr O'Bryen, a challenge if he continued to refuse to do him justice by acknowledging those facts that had been suppressed. I claimed a latitude, which was granted me, to procure from him an acknowledgment of his, Mr O'Bryen's, own to the same amount.

After much conversation, Mr O'Bryen wrote a paper to the following purport: 'That he voluntarily declared that Mr Erskine had given him the satisfaction of a gentleman for his offence; that then he had given Mr Erskine the satisfaction of a gentleman by declaring his first letter was written in heat of passion; and then Mr Erskine had given him the satisfaction of a gentleman by going with him to the lady; that all this he, Mr O'Bryen, declared of his own free will, and likewise, that Mr Erskine had behaved like a man of honour.'

"Mr Erskine's final and decided determination was that he could not accept this paper which I carried to him, declaring when I carried it to the parties who sent it that I would deliver no opinion to them of approbation or disapprobation. When I came to Mr Erskine I did everything along with his other friends to convince him, from the character of the party and his own situation, that it should satisfy him. But his mind was too much hurt with misrepresentation to submit to the idea, and he sent me back with a message to ask him to sign the facts—if not, to deliver a challenge. It ended in the last. The parties met at ½ past eight this morning, and Mr Erskine told Mr O'Bryen he was ready to receive his fire. Mr O'Bryen desired Mr E. to fire; he did so, and missed. Mr O'Bryen then fired in the air, and said, 'Mr Erskine, this shows you the state of my mind.' Mr Erskine fired his second pistol in the air, and saying Mr O'Bryen had behaved like a man of honour; and the affair, thank God, ended.

"I shall add no more but to assure your Lordship that though my extreme anxiety for a life of such use, respectability, and well-earned prosperity as your brother's, made me extremely desirous to inspire him with the language of peace, he acted in every respect, both of temper and firmness, as he ought, and brought matters to the issue that his honour required.

"I have felt much pain in the progress; I feel much joy in the event. His mind is relieved from oppression, and it has, besides the flattering confidence he showed me, knit a friendship which can only end with our lives.

"The post is going, otherwise I would have copyed this, that your Lordship might have had a fairer written narrative; but as I would not let a post go by without your hearing of the matter from the first authority, I chuse rather to let it go in this way.

"I need make no apology on such a subject as this for addressing your Lordship, though unacquainted.

"I have the honour to remain, with great esteem, your Lordship's most faithfull humble servant,

"WILLIAM ADAM.

"LONDON, 16*th Nov*r. 1782."[1]

It was in view of the possible results of this affair that Lord Erskine made the only will of his that was found after his death. In this document he shows his appreciation of the sterling qualities in his sister, Lady Anne Erskine, by providing that in case of his widow marrying again—Mrs Erskine was still very young—his sister should receive, in trust for his children, the portion of his property intended for their behoof. These facts Lord Campbell has noted; but he is scarcely exact in saying that the affair—about which he owns he knows very little—arose out of an altercation in a ball-room *at Lewes*. If, as he says, Lord Erskine was not fond of allusion to this incident, it could not have been, as suggested, because the "antagonist was an *apothecary*." Nor does there appear anything to be ashamed of in the conduct of the case, according to the code in force in respect of such matters in that age.

It has been stated that on the death of her father, Lady Anne Erskine permanently took up her abode with Lady Huntingdon. This step was probably taken from experience which several years had given to Lady Huntingdon of a congeniality of spirit in Lady Anne. For many years of the latter part of her life Lady Anne Erskine was her constant friend and companion, and applied herself with all the energy of an earnest and enthusiastic nature to the assistance of her friend in the multitudinous duties connected with the somewhat

[1] The original of this letter was at one time in the possession of the late Mr Dawson Turner, the celebrated collector of MSS. He has noted on it, in his own peculiar handwriting, "Oct. 1786, Mr Erskine fought a second duel with Mr (afterwards Justice) Hyde. See his letter in my *Autographs E.*—D. T." I have not been able to learn anything of this second affair.

curious position which she held as the acknowledged head and director of a large and active sect, connected with which were a college, and the numerous chapels belonging to the body, the affairs of all which were most minutely supervised by the foundress.

Some idea of the overwhelming nature of the work which this venerable lady took upon herself, and in the course of time handed down to her friend, may be formed from the fact, that although in each of the chapels of the Connexion there was a committee of management, appointed by herself, the Elect Lady systematically transmitted her instructions upon the affairs of each chapel to the several committees. These letters of direction were by no means confined to matters of business, but embraced the spiritual and temporal affairs of the congregations, directing the periods when collections should be made, the allowance for the maintenance of ministers, &c., sometimes even mentioning points in the ritual of the chapel which she thought might be improved, in the direction of a more primitive form of worship. The ministers themselves were appointed and removed at her ladyship's pleasure.

So long as the foundress lived, Lady Anne was chiefly known for her zeal in the cause of truth, and had no wish to appear in a more prominent character. Her gentle and unobtrusive character was then known. The administrative power which she possessed became apparent at a later stage of her career.

In March 1779 was opened Spafields Chapel, in connection with Lady Huntingdon's followers; and it was determined that Lady Anne should take up her abode in Lady Huntingdon's house attached to the chapel. It will be remembered that it was the steady opposition of the rector of the parish to the preaching of these Methodists that was instrumental in driving them out of the Church of England, after they had tried every expedient in their power to overcome the selfish and unreasonable obstacles thrown in their way. Amongst other shifts, Lady

Huntingdon, who was under the impression that the chaplain of a peer or peeress was not under ordinary ecclesiastical jurisdiction, essayed to name as preachers her own private chaplains for the time being. But all would not do,—the Church courts and the bishops were against them, and the rector's authority had to be upheld; so that an immense body of excellent Christian people, warmly attached to "the faith of their fathers," was lost to the Church of England, from what seems, at the present day, very insufficient reasons. It is clear from the narrative of these transactions, that nothing was objected to in the doctrines preached by the intruders. On the contrary (if any faith can be placed in the statement of terms offered by the rector, and printed in the *Life* of Lady Huntingdon), it is plain that if they had agreed to the scale of fees proposed by the rector,—and reduced from time to time,—to be paid to the officials of his parish, and to hand over to him the offertories collected in Spafields Chapel, all might have been well. But it is obvious that in asking for the collections which followed the preaching of such men as Haweis, Berridge, Toplady, Whitefield, and others, a ruinous demand was being made on the revenues of the chapel.

While Lady Anne was living at this house, the riots of 1780—to which the name of "the Gordon Riots" has, unfortunately, come to be attached—broke out in London. As is well known, Lord George Gordon, who is described as being a well-meaning, enthusiastic, but weak and ignorant young man, had, in the excess of his zeal against Popery, consented to become President of the Protestant Association, and in this capacity to present a petition to the House of Commons praying for the repeal of some slight relaxations which had recently been introduced in the penal code in favour of the Roman Catholics. "A mob is usually a creature of very mysterious existence, particularly in a large city. Whither it comes from or whither it goes, few men can tell. Assembling and dispersing with equal suddenness, it is as difficult to follow to its

various sources as the sea itself. Nor does the parallel stop here, for the ocean is not more fickle and uncertain, more terrible when roused, or more unreasonable, or more cruel." All this Lord George Gordon found to his cost. When the masses that he had been the means of bringing together, and who professed to be his followers, had succeeded in setting a considerable part of London in a blaze, the general state of terror being enhanced by the screams of Scottish bagpipes,[1]—when blood was flowing in the streets, and the safety of the Government threatened,—he exerted himself to the utmost to lay the demon he had raised. But some days elapsed before tranquillity was established. The magistrates were terror-stricken; and most of the disaster being imputed to Lord George Gordon in the first instance, that weak-minded youth was thrown into the Tower, charged with treason.

The following letter from Lady Anne Erskine to her brother very graphically describes the scenes enacted in London, especially those which came under her own eyes. Indeed, with the addition of our old friend "Grip," with his cry of "No Popery," the letter would read like a passage from *Barnaby Rudge*:—

Lady Anne Erskine to the Earl of Buchan.

"My dearest Brother,—I have more than one very kind letter to thank you for, and also to [thank] you from Lady Huntingdon for the packet she received from you inclosing the qualification for Mr Penticross. . . . I wrote you a long letter, and snatched a moment to conclude it in the height and the misery and confusion that has reigned in this miserable and distracted place; and as we were in the midst of it, and partook of the danger, I was, on second thoughts, very glad that in the general hurry I had mislaid the frank with which your letter

[1] The Scotch division of Lord George Gordon's followers was accompanied by bagpipes.—See *Proceedings at the Trial.*

was to have gone, as it would have made you very uneasy; and before I found it, I was told all letters were opened at the post-office. This was, perhaps, like many other reports, without foundation; however, it prevented my sending you my long letter. And perhaps it was better; for, as times go, 'least said is soonest mended.'

"As you have no doubt heard by the newspapers, &c., &c., of the dreadful situation London has been in, I shall not enter into any particulars of it. Such a scene my eyes never beheld, and I pray God I never may again; and the situation of this place, which is high and very open, gave us an awful prospect of it. We were surrounded by flames! Six different fires—with that of Newgate among the rest towering to the clouds—being full in our view at once, and every hour in expectation of this house and beautiful chapel making the seventh. Various causes were assigned for its being allotted to destruction; but in times such as these, what is true or false is not easily come at, and the devastation seen so indiscriminate with all the felons in London let loose, that everything terrible might naturally be expected. For my own part, I was so fully persuaded of God's gracious protection over this place, that I was preserved from even a sensation of fear, and only felt for the miserable sufferers and the poor unhappy creatures who were the cause of it, and who were bringing misery and destruction on themselves and others, as well as reproach upon a cause they only made a cloak for their own violence.

"I had been at my brother's that day (Tuesday, the 5th day of the month), and had drove home as fast as I could about seven o'clock at night — being told the mob were gone to Newgate, and by the time I got home it was in flames. The appointed route, wch was always known, was said to be from thence to Clerkenwell Bridewell — the doors of which they burst open; but as the prisoners were released they did not burn it; and on their approach to the new prison, the doors of

it were thrown open by the keepers—so it likewise escaped the flames. Our turn was next, and by this time the scene was truly horrible; for the flames all around had got to such a height that the sky was like blood with the reflection of them. The mob so near that we heard them knocking the irons off the prisoners; which, together with the shouts of those they had released, the huzzas of the rioters, and the universal confusion of the whole neighbourhood, made it beyond description!

"Every moment fresh reports coming in of new fires being broke out—some true, some false: some that the Parliament House was on fire, others the Archbishop's palace at Lambeth; but all agreeing in our danger, and friends kindly interested for the safety of dear Lady Huntingdon and the place flying to us with intelligence of their immediate approach. But God, who has the hearts of all men in his hands, and 'who stilleth the raging of the sea and the madness of the people,' was graciously pleased to turn them back in the moment of our danger; and after the cry had been 'Now for Northampton Chapel!' some said, 'Why there?' others, "Better go to the Fleet prison and let us make another jail-delivery!' on which they turned about and went to the Fleet, where they were as good as their word; and about two o'clock in the morning we were freed from any present danger from them. But we had the same scene the night following. The fires in Holbourn blazing before us even more terrible than the others; the mob in our neighbourhood again, and expecting them every moment as before; and the military, who were out in Holbourn firing upon the rioters, and those poor unhappy creatures sent into eternity so awfully unprepared for it, made more terrible, I think, even than the night before. Since that time we have been quiet and free from alarms of the kind I have mentioned; but reflections on the consequences of such disturbances are always painful. But I do not wish to forebode

evil or write politicks, and will therefore only add that we are, thank God, all well. Lady Huntingdon greatly recovered from her long illness, and desires me to assure you of her very kind love and thanks, and likewise to dear Lady Buchan. I have not seen Tom for some days, but they are all well. . . .

"Tom is a most terrible lazy letter-writer; so whether you have heard from him or not I know not, as he has been much hurried, and took a very active part in saving the Temple from the danger it was in of being burned down. The lawyers have associated themselves, and protect their own territories, and have, besides, military—of which there is plenty to be seen everywhere, as you no doubt hear."

The rioters who threatened Spafields had come from Clerkenwell Bridewell. They were under the impression that the chapel was still the property of a Mr Maberley, who had in some way rendered himself obnoxious to them, and were about to proceed to the destruction of it. But they were informed of their mistake, and that it belonged to Lady Huntingdon; one of the mob (who was afterwards hanged at Newgate) observing, at the same time, that the place should be spared, because his mother was a member of the congregation of that chapel, they changed their minds, and passed on in quest of other prey.

Lord George Gordon was duly brought to trial on a charge of high treason. He was successfully defended by Thomas Erskine, who had only very recently laid aside his sword and sash for the wig and gown. "In Thomas Erskine's speech," says Lord Campbell, in reference to this cause, "I find not only wonderful acuteness, powerful reasoning, enthusiastic zeal, and burning eloquence, but the most masterly view ever given of the English law of high treason, the foundation of all our liberties.[1] Dr Johnson was glad that Lord George

[1] See *Lives of the Chancellors*, viii. 250. Little Miss Burney's "society" view of the situation was distinct: "Mr Greville says he knows not whether

Gordon had escaped, rather than that a precedent should have been established for hanging a man for "constructive treason." The effect of such a precedent, had it existed, would have been most disastrous when, in 1793, trials for treason were unfortunately too common, and convictions sought by any means. Imagine the effects of such a weapon in the hands of Lord Braxfield!

On the death of Lady Huntingdon in 1790, it was found that by her will Lady Anne had been appointed her executrix, and, along with certain gentlemen, trustee.

They very soon discovered that the continuance of the good order which had hitherto reigned in the Connexion could not be better insured than by intrusting the chief administration to Lady Anne Erskine, the only person who thoroughly understood the system pursued by Lady Huntingdon. Consequently she was asked, and consented, to occupy permanently Lady Huntingdon's house in Spafields, and from that centre to carry on the general management of affairs.

It soon became apparent that these Methodists had made a wise choice, and that in Lady Anne they possessed a directress whose natural powers were of a very high order. A bountiful share of the gift which had been considered a characteristic of Lady Huntingdon was found to belong to Lady Anne—namely, the power, as it was expressed, of attracting the *voluntary homage of free minds to a soul of a superior order;* but in the case of the younger lady, tempered by a large measure of gentleness, moderation, and Christian wisdom, which latter seems hardly to have been a quality conspicuous in her venerable predecessor, at all events in the latter years of her reign. This plain common-sense, which was unquestionably a gift inherited from her Scotch ancestry, seems to have characterised

anything can be done to Lord George, and that *quite shocks me*, as it is certain that in all equity and common-sense he is either mad enough for Moorfields, or wicked enough for the Tower."—*Letters*, i. 402.

all her dealings, and many of her sayings. Thus, though she was never a preacher, she would sometimes say, quietly, "We ought to run the race that is set before us. Every man and woman has a particular *race.* I have known great confusion in congregations because the manager will run the race of the minister, and the minister that of the manager." A woman one day called on her ladyship and observed that such a one ought to act differently in her family. "That is not your race," said Lady Anne; "you run your race in your family, and leave her to run her race in hers."

The zeal of Lady Huntingdon's people never failed during the twelve years of Lady Anne's administration. It was considered remarkable that she seldom or never found herself without the means to supply the chapels and clergy under her care. On one occasion, when she had been forced to refuse aid, a lady, a stranger, called on her and left behind her on the table a letter addressed to Lady Anne Erskine; it contained £500. Lady Anne begged to see the stranger again, and asked if it were really intended to place this sum at her free disposal. "Yes," the lady answered; "my husband and my uncle have left me rich: I wish to honour the Lord with the *first-fruits* of my increase."

It was on this, or some other similar occasion, that Lady Anne, much to her satisfaction, was enabled to take into the Connexion a chapel and congregation which hitherto had been refused admittance from want of funds, there being at the moment not a farthing available for the purpose. There are several such stories of persons unknown to her bringing large sums of money, which they only asked that she would receive, and deal with as she thought fit. Such are the evidences of the universal confidence which her sterling character commanded.

Thus the good lady laboured on until she attained her sixty-fifth year. She seldom left her little abode, which was usu-

ally crowded throughout the day with persons of all classes, waiting for speech of the directress: undoubtedly close attention to her multifarious duties shortened her useful life. It is but fair to allow those who knew her best to speak of her character in her latter years. "To acuteness of discernment and a tenacious memory, were added comprehension, firmness, and energy. These commanding excellencies were softened down by the more captivating graces of tenderness, commiseration, and urbanity. She was distinguished for that frankness, that openness to conviction, and that disinterestedness in her conduct, which insure confidence and admiration."[1]

It was the remark of the Rev. Henry Venn that he saw in Lady Huntingdon a "star of the very first magnitude in the religious world." If this were so, it is certain that Lady Anne Erskine must have shone with a brilliance scarcely if anything inferior in the same sphere of action. There were those indeed who considered that the mild but firm rule exercised by Lady Anne was more satisfactory than the founder's management of affairs had been, especially in view of the increased extent of the Connexion, which now extended to some twenty-three districts of England and Wales,—the affairs of which, with those of the college, were administered by this excellent lady.

If such an example of the "monstrous regiment of women" —which John Knox denounced—be conceivable as that the affairs of a large section of the Church of Christ should ever be in female hands, it seems certain that in such a case it would be hardly possible for the work to be better done than it was in this instance. Lady Anne died in 1804: her tomb may be seen in the burial-ground of Bunhill-fields. During the whole of her residence in London, neither Henry Erskine, nor any of her brothers, ever lost an opportunity of visiting a sister

[1] *Life and Times of Selina, Countess of Huntingdon*, ii. 531.

of whom they were all justly proud. Henry Erskine's son, Henry David, twelfth Earl of Buchan, has written that he remembers, when a boy, going to see his aunt, Lady Anne, at her small and humbly furnished house in Spafields, and that she was "clever, lively, and exceedingly good-natured; short and plain, but very like his father in the face." "Thomas Erskine," he adds, "was very fond and proud of her, and never let many days pass without going to see her."

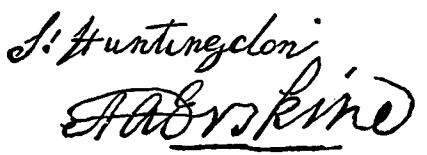
It is a very noteworthy fact, that throughout the whole career, in which the duties which fell to the lot of this lady were neither few nor light, her Christianity seems to have been of that wholesome form which is not incompatible with a lively interest in the affairs of friends and relatives. Though engaged in a great work, which might have taxed to the utmost the energies of any bishop, she never was completely absorbed by affairs; and was very far from conceiving the idea of withdrawing herself from the world. All this is very clearly shown by certain of her letters which recently came to light during the search for materials for this sketch of the Erskine family. It is believed that a few extracts from these will be read with interest, seeing that they afford evidence of the life and opinions of a very remarkable woman, about whom little is known beyond her title of the "Female Bishop;" who was placed by circumstances in a position such as it is unlikely will ever be again occupied by one of her sex.

The letters in question are nearly all addressed to Mrs Elizabeth Steuart of Coltness (commonly known as "Aunt Betty," as already mentioned), sister of Agnes, Lady Buchan, and aunt to Henry and the rest of that generation of Erskines; but as they do not coincide with the chronology of this narrative, the specimens have been placed in the Appendix.[1]

It may perhaps be added that in this correspondence there

[1] See Appendix No. IV.

is, as was most likely to be between two ladies so like-minded as were Lady Anne Erskine and Elizabeth Steuart, much of a deeply devotional nature, and much technical discussion, sometimes carried on with the help of conventional signs, which it has not been thought necessary to notice further in this record of family matters.





CHAPTER VII.

MR ERSKINE AND THE ENGLISH CHURCH—SCOTCH EPISCOPACY AND JACOBITISM—THE ERSKINES' PRAYER-BOOK AND BIBLE—BISHOP SANDFORD—FERGUSSON OF HERMAND—IMPROVEMENTS AT UPHALL—LORD BUCHAN'S MARRIAGE—SCOTTISH PEERAGE ELECTIONS—REMARKABLE CASE—MRS MURE OF CALDWELL AND DAVID HUME—NEW ASSEMBLY ROOMS—ANTIQUARIAN SOCIETY—LORD BUCHAN AND HORACE WALPOLE—HENRY ERSKINE AND HUGO ARNOT—LEITH PIER—TOASTS AND SENTIMENTS.

It has been already said, on the authority of his son, that Mr Erskine, at the outset of his public life, had some tendency towards the *English Church*, notwithstanding the well-known and rigid adherence to the Presbyterian form for which he was afterwards distinguished, and which well became him as a ruling elder. It is probable that the strong convictions and devout feelings which characterised each member of this family in youth, disposed Henry Erskine to see beauty in the regularity of Episcopal order; and, as a poet, to take delight in the noble thoughts, and language of rhythmical cadence, nowhere to be found in more perfect combination than in the Church of England's Liturgy.

However this may be, it is certain that since the *fiasco* of the Greenshields Case early in the century, there had been a very marked change of feeling throughout the country, tending towards increased toleration—a symptom of falling away some thought it. And honest Robert Wodrow, in the innermost re-

cesses of his note-books, has more than one piteous complaint of the inclination towards Episcopacy which was showing itself in his time.[1] Later, at the period under notice, there were those among the Presbyterian clergy of Scotland who could even assert that they saw something to admire in the working of the Test Act, under which statute no one could hold office in England without taking the Communion of the Church of England. It is not to be supposed that Mr Erskine, whose large-mindedness was one of his most striking characteristics, would be outdone in liberality of feeling in a matter of this kind,—Dr Carlyle's charge of *fanaticism* against Mr Erskine's party, notwithstanding.

According to the common Scotch idiom, the phrase "English Church" might mean either the Church of England or the Episcopal Church of Scotland. It is, however, most unlikely that it could have been with the latter that Mr Erskine entertained the idea of connecting himself. At the time in question, this Church was suffering to the full extent the effects of the penal laws enacted against her. To such an extent was this the case, that the very existence of the Church was threatened by the means taken to repress Episcopacy, which was understood to be only another name for Jacobitism. Henry Erskine, brought up as he had been, could not have been enamoured of what, after all, was looked upon as more an expression of political feeling than of adherence to a separate faith or creed, involving the opposite of the opinions traditional in his family. Doubtless he must still have been struck with what was one of the most remarkable circumstances of his time—the godly lives of the clergy of the suffering Church. The good living of many of these men in an age of much roughness, to use no harsher term, in which, indeed, the clergy did not shine as examples, was so conspicuous, that, verily, it seemed no great marvel when it was affirmed that in at least one case, when the breath had left him, angels came to prepare

[1] See *Analecta, passim.*

the good man for his burial. In all these sufferings, however, which they endured, it never was pretended that it was altogether for their religion that they suffered,[1] so well was it understood that it was the political creed which was sought to be repressed.

At this period Prince Charles Edward[2] was still living, and the Episcopal clergy had as little liking for the Hanoverian King George as they had for the Thirty-nine Articles. As for the laity, even when the Prince was known to be dead, and a better state of things aimed at, there were many of them who agreed with that stout old Jacobite, Mr Roger of Aberdeen, that Bishop Skinner "might pray the *cknees* aff his breeks" before they would join in a prayer for King George,—an opinion in which the ladies concurred heartily. They were afflicted with colds and coughs of the most noisy description whenever his Majesty's name was mentioned in prayer.

There is one little piece of evidence which supports Lord Buchan's statement of his father's inclination towards the English Church, or at all events shows that he had no antipathy to her Liturgy in after years—namely, the existence of a very well-worn, and evidently well-read, old volume containing Prayer-book and Bible, of date 1698, which he has certainly made use of so far as to record in it, as he might have done in the "big Ha' Bible," in his own clear handwriting, the

[1] It was not exactly the text of Scripture to which these old Jacobites were wont to refer, in tossing off a sympathetic glass; but rather an artful simulation of religion with well-bridled tongue—when they mentioned significantly "*James* iiird *and* 8th."

[2] It is of set purpose that this form is used rather than the more common. There are still one or two fine old ladies of the type known to Sir Walter Scott and Lord Cockburn—the last blossoms of the "white rose," which can never flower again; these would certainly receive the usual epithet with a flutter of the fan. This little bit of sentiment will very soon have passed away, with much more besides that was graceful. The only comment on the unhappy affair of '45 ever made by one of these old dames, unknown but by tradition to the present writer, her relative, was (with a gentle sigh)—"He was an *ill*-usit lad."

events of his family, beginning with the entry of his marriage. The births of his children appear to have been noted by him in like manner from time to time.

The volume in question seems to have been the property of his wife, and to have been given to her by her father shortly before her marriage.

There is one circumstance not a little touching connected with this old Prayer-book, which may be mentioned. Mr Erskine, as has been said, seems to have made all the entries of the births of his children; but the deaths of one or two of them, who passed away while yet young, have been recorded, apparently at the time, by the sorrowing mother. This is as evident now, when more than a hundred years have gone by, as it was on the day when affliction fell upon their house. One or two of such entries are so blotted, but not with ink, as to be hardly legible. In the case of their second son, George Augustus Frederick, the poor mother has added to the record of his birth,—"And whom it pleased Almighty God to take unto himself on Monday morning the 8th day of November 1784—of 3 days' illness; aged six weeks. These are severe tryals to fond parents; and may that merciful God who sees and trys us for our good, support us and every one under afflictions and tryals of various kinds, and make us most duly thankful for the present blessings and benefits we dayly and hourly are receiving—and support a *drooping heart* for the loss of a lovely infant, who at this moment I trust is joining with all others in singing Thy praises, with Thy angels in Heaven, where all the good will meet, and wicked I trust be forgiven, thro' the intercession of our Blessed Redeemer."

The word *Hermand* is just traceable in this sad record. Whether the death of her child took place at the house of their friend, who afterwards became Lord Hermand, or it alludes to some expression of sympathy by George Fergusson, whose love for children was proverbial, it is impossible to say; the entry is nearly obliterated.

It was on the death of his own first child that Mr Erskine wrote the following lines, which he entitled—

Verses for a Bracelet of the Hair of my Daughter, Anne Mary Erskine, who died 20th Dec. 1774, aged 22 months.

Come, Patience, come to dry a Parent's Tears!
Come, bright-eyed Hope, to cheer their future years:
Teach them to bless the chastening Rod,
That made their mortal child a Child of God.
Teach them to praise that God, with grateful mind,
For Babes that yet may come—for *one* still left behind.[1]

"In July 1783," writes Lord Buchan, "Mr Erskine was made supremely happy by the birth of his eldest son. The air, 'Bannocks of Barley Meal,' was being played under his windows in George Square, and Scott of Harden came to see the boy an hour or so after his birth. These circumstances Mr Erskine was pleased to recall, looking upon them as happily ominous of friends and plenty for his heir."

If further evidence of Mr Erskine's liberality and unsectarian feeling were needed, it might perhaps be found in the fact that when, a little further on, he was overwhelmed with his work at the Bar, and unable to give the requisite attention to the education of his eldest son, he—as that son has written—felt much satisfaction when he had induced an excellent clergyman of the Church of England to undertake the direction of his boy's studies. This clergyman was the respected Dr Sandford, a man of much accomplishment and learning, "who had the character here, as at Oxford, of being at once a fine scholar and a deep divine."[2] He afterwards became Bishop of Edinburgh, in the Episcopal Church of Scotland; but at the time in question he ministered to a small congregation of

[1] The lines are to be found in the MS. volume of Mr Erskine's poems; but they are given here as copied from the gold bracelet clasp itself, which contains the hair mentioned, now in the possession of Mrs Alexander Fergusson, a great-grand-daughter of Henry Erskine.

[2] *Peter's Letters to his Kinsfolk.*

English residents in Edinburgh, whose place of worship was a hall somewhere in the neighbourhood of Register Street, until the little chapel in York Place was built. "Moreover," writes Lord Buchan, "Dr Sandford's wife was some connection of our family."[1] His lordship recalls the fact of his being, as a boy, carried by his friend to visit Professor Dugald Stewart at the pretty little house called *Lothian Hut*, formerly belonging to the Lothian family, as described by Chambers. It stood at the back of the Canongate, and has long since been swept away. Here he remembered meeting Henry Brougham, and Henry Petty, afterwards Lord Lansdowne, who was a pupil of Stewart's. Also, he believed, it was Henry Temple (Lord Palmerston) who beat them all at jumping on the lawn after dinner.

George Fergusson of Hermand, whose name has been mentioned, and who afterwards became a judge of the Court of Session, with the designation of Lord Hermand, although of opposite political views, was one of the friends of the Erskines. His character and strong peculiarities have been described at considerable length by Lord Cockburn and John Gibson Lockhart. Tremendous energy—*birr* they called it—was the chief characteristic of this excellent lawyer and most tender-hearted man. Lord Hermand was the last connecting link between the old school of Scotch lawyers and the new, as represented by Cockburn, Jeffrey, and Moncreiff, into whom he vainly tried to instil a taste for the deep potations and antiquated jokes of the Bar of his time. For many years one of the most striking figures in the Parliament House was the tall, thin, and imposing form of Lord Hermand. Especially on a Saturday, when the rules regarding costume—never very strict among Scotch advocates—were so far relaxed as to admit of riding-dress being worn under the long robe, Lord Hermand

[1] The wife of Bishop Sandford was Frances Catherine Douglas, grand-daughter of Sir William Douglas of Kelhead, of the Queensberry family; and so, a descendant of David Erskine, second Lord Cardross.—See *Douglas's Peerage.*

would appear in Court booted and spurred, with a riding-coat of splendid hue,—pea-green, bright mazarine-blue, or "drummer's yellow," according to the fashion then in vogue, but always with buckskin breeches and top-boots, ready to ride off to his country-house, as was the habit with many of the judges and other members of the profession who were so fortunate as to have properties in the neighbourhood of Edinburgh.

On these Saturday mornings the horses and grooms, drawn up in lines in the Parliament Close, waiting the rising of the Court, are described as resembling a troop of cavalry picketed. Lockhart is very severe on the absence of punctilio in dress exhibited by Scotch advocates in the early part of this century, as compared with the attention to such matters shown by their English brethren. A gown, he thought, inferred *dress*, and demanded corresponding garments under it;[1] *nothing* short of the sleekest black cloth was appropriate. It is feared the tendencies of the present age are not in the direction of this theory.

While the two younger brothers were actively engaged in the arena of law and politics, the elder was usefully employed at home. When David, Earl of Buchan, succeeded to his title, he did not at once occupy the House of Uphall, his mother having possession; but he settled for a time at Middleton, within a very short distance of the family residence. He found his estate cultivated in a fashion little better than had been in vogue in the days of the Knights Templars, who had at one time possessed part of the Stewart lands. The young Earl set himself to effect, by precept and example, many innovations in husbandry, which were long in being accepted as improvements. The farmers, for instance, could not be induced to see the advantage of enclosing their fields, or of the use of artificial grasses, summer fallow, and so on. Especially it was his endeavour to do away with the objectionable practice of

[1] See *Peter's Letters to his Kinsfolk.*

run-rig, which had been customary in Scotland from time immemorial, and is not, it is believed, yet quite extinct. Under this practice single ridges of a field were held by different tenants, often alternately, the *rigs* being separated by a narrow neutral strip of ground, called the "balk," whereon the accumulated weeds and stones of ages were deposited. A bank was thus formed, gradually increasing in breadth, till in some cases a third of the area of the field was taken up by *balk*. Moreover, the evil was aggravated by the ridges not being straight, and by the fact that means of access to the different ridges had to be provided for the several tenants, whereby further loss of good land was entailed. A system more fatal to a cleanly tilth could hardly be imagined.[1] These, and the like evil customs, Lord Buchan set himself to correct; and, with the institution of leases of nineteen, and thirty-eight years, he did much to advance the system of agriculture; which his tenants acknowledged when they began to find their pockets benefited.

In such pursuits, and in efforts, which were not unsuccessful, to promote the cause of science and a higher taste for the fine arts, the Earl devoted the greater part of his life.

Not long after succeeding to his title, Lord Buchan married his cousin Margaret, daughter of William Fraser of Fraserfield, or Balgownie. Her grandmother was Catherine, daughter of the fourth Lord Cardross (ninth Earl of Buchan), and had married

[1] This ancient system has been thought to have had its origin in the desire to render a community, or family, more zealous in the defence of the land against invaders. It is as likely that impartiality in the case of the division of lands among co-heirs may have helped to establish it. The old Scotch law process of "kenning a widow to her terce," is an instance of such impartiality, when every third acre from east or west was the widow's share. Dr William Skene has noted that the system of "run-rig" survives in the Western Islands of Scotland.—*Celtic Scotland*, iii. 372. I have been informed, on excellent authority, that even in East Lothian there have been cases of "run-rig" tenure within the knowledge of my informant. The expense and difficulty of the process of "excambion"—the only remedy—appears to have perpetuated the evil, which was sought to be discouraged by old enactment—*e.g.*, *Will.*, *par.* 1, *sess.* 5, *cap.* 23.

the Laird of Fraserfield of that day. His mother was Margaret Sharp. On the memorable day when Archbishop Sharp met his death on Magus Muir at the hands of a few bloodthirsty fanatics, this Margaret, afterwards Lady Saltoun, one of his three daughters, was on a visit to a connection of hers at Elie, in Fifeshire. As rumours of the catastrophe reached the town, terror and grief fell on Lady Saltoun; her mind was filled with an overwhelming desire to be with her father, and to know the worst that had befallen him. There was no means of reaching St Andrews from Elie; but without a moment's delay, she set out on foot, expecting to find at Colinsburgh, some two miles off, conveyance to carry her on her journey. She had not, however, gone further than the "White Yett" of Elie when, finding she did not make the speed her burning anxiety demanded, Lady Saltoun cast off her high-heeled shoes, and performed the rest of the journey "on her stocking-soles."[1]

This earnest-minded lady was the wife of William Fraser, eleventh Lord Saltoun; and Margaret Fraser, who became Countess of Buchan in 1771, as has been said, was her descendant in the third generation.

Earl David, amongst other schemes of reform, applied himself in those days to remedy an evil which accorded ill with his strong feelings of independence. For long the election of the sixteen Scotch peers to serve in Parliament had been conducted in a manner by no means in agreement with the spirit of the Act of Union, inasmuch as, instead of the free exercise of the franchise by the Scotch nobility, a custom had crept in of lists, including the names only of those peers who might be considered to favour the views of the administration, being sent down by the Government for adoption. It is sad to have to chronicle the fact, but the self-respect of the Scotch nobility had fallen so low as to admit of these lists being accepted without question. Consequently a meeting of the peers, for

[1] See *East Neuk of Fife.*

the purpose of election, had become a farce, as they simply assembled to return the sixteen nobles whose names had been prescribed to them.

Lord Buchan felt the degradation connected with this system so deeply, that he let it be understood that he should consider it a point of honour to ask the company at the Figgate Whins of "any one who presumed to put such a paper before him."

Such was the custom which the young Earl set himself to put down; and he did succeed ultimately in putting it down, almost single-handed. For this he deserves the grateful remembrance of all true Scotchmen.

It was on the occasion of a general election of representative peers in April 1768, that Lord Buchan made his stand publicly against this system. Some weeks before he had offered himself as a candidate on the basis of a free election, "free and independent of every influence whatsoever."[1] But the odium attaching to a reformer bore heavily upon him; and when the lists were given in it was found that the Earl of Buchan had only one vote—namely, *his own.*

At the election of peers it is the custom for each nobleman present to hand in to the Lord Clerk Register a list of the peers for whom he votes. On this occasion, when it came to the Earl of Buchan's turn to hand in his list, he stood up, and addressed the Lord Clerk Register—

"My lord, without the least reference to the Minister or his agents, I vote for the following peers,"—reading his list.

Before the return of the election was made and written out, the Earl of Buchan likewise submitted "a protest," in which he declared his unwillingness that his "name should be handed down to posterity as joining or acquiescing in a ministerial and unconstitutional nomination of sixteen peers to represent the Peerage of Scotland in Parliament. . . . And that whereas a

[1] See Lord Buchan's letter, dated March 21, 1768, in *Scots Magazine* of that year, p. 286.

list of sixteen peers for Scotland had been framed long before the time of this election, by persons in high trust under the Crown; and that such lists had been in a most scandalous manner called by the most sacred name of the K—g's L—, to the prostitution of that most venerable authority, which it was well known could not be used constitutionally in matters of election declared to be free by the most important charters of British liberty." Therefore, he concluded, "We cannot but be filled with the highest indignation at the attempts which have been but too successfully made to reduce the election of the sixteen peers of Scotland to a mere ministerial nomination, at once disgraceful to the community and subversive of the freedom of Parliament."[1]

In his protest he also asserts that these lists had been daringly shown to several peers then present; and even hints at "intimidation" having been resorted to to gain the Minister's end. To this protest no peer, present or absent, adhered. On the contrary, it was affirmed by those present, *nem. con.*, that they had never heard of a list called the *King's list*, nor of any such attempts to exert undue influence as those mentioned by Lord Buchan.

From this time forward Lord Buchan constituted himself, and was accepted in some degree by others, as the champion of the purity and independence of the peers' elections, although he himself usually refrained from voting. Much of the correspondence of his lordship, as well as of Mr Erskine, consists of letters addressed to them by Scotch peers on almost every one of the many occasions when discussion arose on points connected with claims and protests.

One remarkable instance of this kind which interested him much, a few years after the period above mentioned, is recorded in one of the few fragments of Lord Buchan's diary which are known to exist. As the details of this case are probably alto-

[1] *Proceedings relating to the Peerage of Scotland*, by William Robertson. Edin., 1790.

gether unknown at the present day, and are of some importance, they may be briefly noted as they are to be found in Lord Buchan's own handwriting. Under date "St Andrew Square, Edinburgh, August 11th 1784," he has recorded: "This evening Lord Selkirk sate with me two hours, and gave me a very full account of his transactions at London with administration, concerning the late election of the Sixteen Peers, which had been more warmly contested, and attended with more singular circumstances, than any election of that sort since the Union of the Kingdoms." It appeared that Lord Selkirk and Lord Kinnaird had entered a protest after the general election on the 8th of May—first, against the return of the Marquis of Lothian and the Earl of Morton, as having each had bad votes on their lists, which, if proved to be so, would have given the protesting lords a majority; and secondly, a general protest against the validity of the election, founded on its informality.

By the Act of the 6th of Queen Anne, regulating the mode of election of the peers of Scotland, it is laid down that the Lord Clerk Register, or in his stead two clerks of Session acting as his deputies, shall receive the voting lists of the peers, and compare them in the peers' presence, thereafter making up the return in the same manner. But it was alleged that in the election in question this rule had not been complied with, but that the clerks had retired to another apartment and compared the lists, with closed doors, and without the presence of witnesses. All this was stated to have been done in spite of objections made as to the informality and illegality of the proceeding.

On these grounds, it appears, Lords Selkirk and Kinnaird had determined to establish their own claims to be among the duly elected peers—or, failing in this, to attempt the invalidation of the entire proceedings. The votes considered to be bad seem to have been those of Lords Lindores, and Colvile of Ochiltree. The Lord Advocate having made his report on the case, and the law regarding the elections of

peers having been considered by the Government, "the Ministry," writes Lord Buchan, "became apprehensive of the consequences; and it was whispered that Mr. Islay Campbell (the Lord Advocate) had actually prepared measures in case the business should be taken up to the House of Lords." Upon this Lord Selkirk went up to London, and on the very night of his arrival was informed by Lord Mahon of the "disagreeable dilemma" into which the Minister and Cabinet had been thrown by the discussion of this matter, and more especially from a circumstance which had been suggested by the Lord Chancellor, after communication with Lord Camden, as likely to be most embarrassing should Lord Selkirk press his resolution,—namely, "That if that election should be found invalid, then all the proceedings of the present Parliament would fall to the ground in consequence of no representation having legally existed in the House of Peers from Scotland, and that, of course, a new Parliament must be summoned, and the affairs of the nation thrown into ye greatest confusion."

"This singular occurrence," it was represented, could be of no advantage to Lord Selkirk "or his order." An interview was proposed between him, Lord Thurlow, and the Minister; but not even with the Lord Advocate's ingenuity did there seem to be any escape from the predicament, as appeared when Lord Selkirk, with fresh notes from Scotland, "waited on the Chancellor and Mr Pitt, and held a very full discussion of the subject with both these Ministers." The Chancellor's view in dissuading Lord Selkirk from taking further steps was that, "in so desperate a dilemma as that which would force a dissolution of Parliament, or calling up the whole peers of Scotland to the House of Peers (which had actually been proposed in the Cabinet as an alternative), the question would not probably have a fair discussion, but, from State necessity, would terminate either in a decision favourable to the legality of the election, however informal, or in summoning all the peers who had voted on that occasion to appear before the

Committee of Privileges in the House of Lords, there to authenticate their lists," and so remove all doubts.

At this stage of the business the Lord Chancellor skilfully introduced the statement that he had been "sensible of the disagreeable situation in which the peers of Scotland had been ever since the Union, and [he] should be glad to see it amended by a new law, though he confessed he was not sufficiently acquainted with ye subject to be able to point out, at present, by what means so desirable an object could be attained."

Lord Selkirk, while representing that he was not justified in abandoning the case intrusted to him by several Scotch noblemen, seems to have prudently inclined to take advantage of what amounted to a promise, that the Government would receive favourably a petition for the relief of the Scotch peers from sundry inconveniences with which their elections were surrounded.

After seeing such of the Scotch nobles as were in London, the Lords Selkirk and Kinnaird hastened down to Edinburgh, expecting to find a considerable number of the Scotch peers attending the Leith Races, to whom they intended to submit the terms of the petition. In this they were somewhat disappointed, as there were few of the peers in town at that time. Twenty names were, however, obtained to the resolutions agreed upon, and a hope is significantly expressed "that the timidity of the dependant peers and the servility of the richer will be removed;" and that in the course of the autumn and in the beginning of the winter it may be practicable to have the petition ready for presentation during the winter session of Parliament. It is added by Lord Buchan that Lord Selkirk seems to have thought Mr Pitt sincere in his wish to benefit the Scotch nobles "as a means of exhibiting his popularity (*sic*) to the Scotch, and strengthening himself in his present precarious situation."

Lord Buchan, in his diary, from which this story has been condensed as much as possible, while comparing this case

with his own efforts in the same direction in 1768, bears testimony to the loyalty of the Earl of Selkirk to his brother peers throughout this curious transaction; and adds that no "hopes of a hereditary seat or of patronage to his family," could shake the honesty of his intentions towards those of his order in whose behalf he was acting.

As to the real meaning of this forgotten incident in the history of the Scottish Peerage, the probability seems strong that the Minister, and Lord Thurlow—who was none of the most scrupulous—started the question of the validity of proceedings in Parliament, in view of the alleged informality in the election of the peers, simply for the purpose of frightening Lord Selkirk and his following with the possible consequences in case of their persisting—in fact, to choke him off. If so, the *ruse* seems to have proved successful.

The question how far a doubtful or bad election can affect the proceedings of Parliament, is of interest in view of events in our own time. But notwithstanding all that the Prime Minister and Lord Chancellor are stated to have urged to the contrary, surely it may be affirmed that the responsibility of an election lies upon the electors, and that no mistake or informality on their part can invalidate the proceedings of a Parliament to which they ought to have sent properly elected representatives. This seems common-sense, but it may not, therefore, be *law*.

It may be added, that inquiry has failed to elicit evidence of any palpable improvement connected with the routine of the peers' election having followed the hopes held out by the Minister.[1]

[1] *Proceedings relating to the Peerage in Scotland*, by William Robertson, one of the Deputes of the Lord Clerk Register (Edin., 1790), is the authoritative record of everything connected with the peers' elections down to that date. The reasons are intelligible why little notice is taken in this book of the curious case above detailed. In reference to a protest by Lords Selkirk and Lauderdale at the General Election of Peers on the 8th May 1784, in respect that the same was not made and duly examined in terms of the Act 6th of Queen Anne, ch. 23.,

A little later than this period Lord Buchan's interest in the election of the peers is shown in an amusing letter, written by Mrs K. Mure to Mrs Elizabeth Steuart of Coltness: "To-morrow's election is the only conversation at present, and will run very near. Your friend Lord Buchan very busy and very keen. I own I wish against him for L^d. Cathcart, as I daresay L^d. Dumfries will never go twice to the House, nor fash his head about the business of it, which he never would understand. It is his wife is the reall candidate: if she could be the peer, it would do very well. Lord Cathcart is a young man, with very good talents—made a figure once as lawyer here: he has a large family, and may be benefited by it. There is not half of our sixteen can afford to be independant, as they call themselves: they all would take either a post or pension could they get it. Lord Selkirk and Lord Buchan are the active two; Lord Dumfries does little. This town killed I don't know many peers after L^d. Hyndford and Lord Kinoul dyed. I heard L^d. Buchan was dead, and sent to his house to inquire for him; he was just come to town—had a triffling cold. It would be a sad loss to Harry, who, if he live, will make his fine boy a very rich Earl. He makes more of his business than ever any lawyer did—above 2700 a-year for two years back." [1]

The writer of this letter was the wife of Baron Mure, the same lady who, at an earlier stage of this narrative, was men-

a footnote explains, that "at the election the clerks, after receiving the votes of the peers, left the room where the peers were assembled and the election made, which was extremely crowded, and retired to a separate appartment in order to make a scrutiny and to class the votes, which were very complicated. In this separate appartment the principal clerks, with their attendants, remained several hours shut up. It is believed that the protest of the Earls of Selkirk and Lauderdale is founded on that circumstance"—p. 424. Further on it is noted, under date 18th May, that "no motion as to the merits of this election was made in the House of Lords." It is probable that the author of the work in question was one of the clerks to whose irregularity all the turmoil was attributable.

[1] *Polton MS.*

tioned in connection with her practical joking at Harrogate, when her cousin, Thomas Erskine, was young.

She was celebrated for her beauty and wit, but above all, for "a certain lively eccentricity of character," which made her society and the *entrée* to her brilliant gatherings at Abbeyhill, a suburban villa near Holyrood, much sought after for many years. Her letters are amongst the most amusing of the family papers of this period that have been consulted. The style is racy to a degree, and often shows trace of the wit for which she was remarkable. For many years, amongst her chief correspondents were Lady Hester Pitt, afterwards Lady Chatham, and Aunt Betty. There can hardly be imagined more "diverting" reading than the letters to Aunt Betty, who, for all her advanced Christianity, loved a good story, and to hear what the people of her own class were doing in Edinburgh. The gossip, and now and then the scandal of the town, were served up hot and crisp, which no one could do with a lighter hand than Katherine Mure.

Mrs Mure's chief pride was in the friendship she and her husband enjoyed with David Hume, the historian. Many of his letters to these friends would have been an acquisition to the small collection belonging to the Royal Society, and published by another historian, Dr John Hill Burton. But a sad fatality befell these letters from Hume, which Mrs Mure had been treasuring for many years, knowing how valuable they would be after his death. For greater safety the goodly packet had been hidden away in a chest of drawers in a little-used room in her house in Edinburgh. Some time after the death of her old friend, she bethought her of this carefully hoarded correspondence, and wishing to show it to some of her intimates, proceeded to the drawer where it had lain so long. But she found it not. Calling up her housekeeper, she desired her to make search for the bundle of Mr Hume's letters. After listening to a full description of the locality where they had been, the thrifty housekeeper exclaimed—

"Eh, sirs! is't yon broon paper parcel o' auld letters? They've been o' muckle use to me and the cook, for *singin' hens*, this twalmonth by past."

There were not wanting those who thought that this mishap was providential, and matter for rejoicing rather than regret.

When the historian was drawing near his end, he sent for Mrs Mure to say good-bye to her. He, at the same time, gave her a copy of the last published edition of his *History*. She thanked him for the keepsake, and added in her native dialect, which she and the historian spoke in great purity—

"O Dauvid, that's a book ye may weel be prood o'!—but before ye dee, ye should burn a' yer *wee bookies*."

To which the philosopher, with difficulty raising himself on his arm, was only able to reply with some little show of vehemence,—"*What for* should I burn a' my wee bookies?"

But too weak for discussion, he gently took the hand of his old friend, and bade her farewell.[1]

A very great step in the direction of an elegant taste was considered to have been taken when the rooms in Assembly Close were finally abandoned, and the handsome new rooms in George Street established as the scene of fashionable festivities. It is difficult to imagine a more striking change, or one more likely to affect the general style of manners in such matters. This will be readily believed by any one who, having seen these beautiful rooms, will read the description by Hugo Arnot (already quoted) of the discomforts endured by the votaries of pleasure in the dingy apartments which were about to be deserted, in the year 1784.

Mr Erskine is connected with the last scene in the history of the old Assembly Rooms. On the 19th November 1785, a bill of suspension was presented in the Court of Session, in name of the proprietors of houses in the New Assembly Close, to restrain the magistrates from placing the City Guard in

[1] Mrs Mure died in 1820, aged 86.—*Caldwell Papers.*

what had been the Assembly Rooms, on the ground of the detriment which such an arrangement would cause to their property. Mr Erskine appeared for the suspenders, Mr George Buchan for the magistrates. The Court held that the injury anticipated was hypothetical, and that they had better "take a trial" of the arrangement, which was understood to be only temporary. That same afternoon they began to pull down the old guard-house.[1]

It has been recorded by Lord Cockburn how, in the new ball-room the same strict discipline was enforced as in the old time, though Miss Nicky Murray had passed away, and with her the charitable provision from the proceeds of the balls for Workhouse and Infirmary; and how the "oranges and the tea were under exact regulations."

Mr Erskine, who still shone amongst the dancers—a circumstance that was afterwards "cast up to him"—used to relate several little anecdotes regarding this etiquette of oranges. One country youth, he remembered, who was more at home with the compounding of certain festive beverages at midnight than with the routine of the ball-room, yet wishing to do by his partner everything that was right, thus addressed the young lady at the close of a dance—"Miss, wud ye tak' a *leemon?*" It frequently happened that a young lady suddenly called upon to dance would hand over to another, whose fate it was to "sit out," the refreshment upon which she had been engaged, with a caution against an undue consumption of the fruit.

It is hard to believe that these beautiful rooms could ever have been the scene of such barbarity.

Though there could have been little to regret in the desertion of the old rooms,[2] yet if we may believe the fastidious

[1] *Scots Magazine.*

[2] Chambers has noticed that the Edinburgh Assemblies were not *directly* removed from the Assembly Close to George Street, but were held for a time in a house which stood on the site of the old Commercial Bank, in a wynd to the eastward of the Old Assembly Close.

Theophrastus, there was a melancholy falling off in the style of dancing in vogue in the year 1786. The grace and poetry of motion had given place to absurdity.

Whereas, he says, formerly "minuets were danced by each set previous to the country-dances," now, "in an assembly of as elegant and beautiful women as any in Europe, country-dances are only used, which have often a nearer resemblance to a game of romps than elegant and graceful dancing." [1]

But it should be noted, in fairness, that this decadence in the style of dancing was not peculiarly Scotch. A year or two previously, Mrs Montague, writing from Tunbridge Wells, complained that "Minout dancing" was out of fashion for the time; and that, from the military air and dress of many of the ladies, she should not be surprised "if backsword and cudgell playing" should take its place.[2]

The Countess of Buchan was a regular attendant at these balls, "usually," says her nephew, "followed by a bevy of Frasers, and other young damsels from the north."

Henry Erskine was straining his energies to bring the fragments of the Whig party together to bear upon the question of Mr Fox's East India Bill, while his brother, Lord Buchan, was equally zealous in his exertions to obtain a Charter of Incorporation for the Society of Antiquaries, which, mainly by his persevering efforts, had been established three years before. The Society from the first had been very popular. A majority of the best-known gentlemen in Scotland were among the first members, as well as many distinguished Englishmen and foreigners. The name of the Honble. Henry Erskine heads the list of ordinary members, dating from the first regular meeting on 14th November 1780. It is curious, in looking over the list of the earliest members, to note how many a "Scot abroad" was, it would seem, glad to take advantage of this

[1] See Creech's *Fugitive Pieces*.

[2] *Letters of a Lady of the Last Century*, edited by Dr Doran, p. 245.

institution to connect himself by a tie, no matter how slight, with the motherland. Amongst the names occurring in the first year or two are: Abbé John Thomson, Rome; Carolus Erskine, Prelato domestico Di Sua Santita; Mr James Young, President of the Scots College at Douay; Fabianus a Gordon, Colonel of Horse in the service of the King of Poland; Carolus a Gordon, Major of Foot in the same serviee; and many others.

According to the scheme at first put forth by Lord Buchan, the objects of this Society's attention were not limited to antiquities alone, but included the natural productions of the country. This department of their work was placed under Mr William Smellie, whom they styled Superintendent of the Museum of Natural History; he was expected to give a course of lectures on the philosophy of "Natural History"—a term which appears to have embraced most of the details usually included in the statistical report of a district. Indeed the forms which were prepared by Lord Buchan, to be forwarded to each parish, with a view to the collection of such information as the Society desired, were precisely those that were adopted, at a later date, by Sir John Sinclair, for the production of his great work, the *Old Statistical Account of Scotland.*

The original plan of the Society also included, under the title of the "Caledonian Temple of Fame," the details of an elaborate system of balloting, by means of which it was intended to confer everlasting glory upon Scotchmen alive and dead. The voting was to have extended over a series of years, in some cases. Probably the Earl himself expected to be enshrined in the Temple; had he been so, he would have had it pretty much to himself, seeing that under the rules for selection, which were simply ridiculous, there was little chance of any nomination meeting with the requisite support, except, perhaps, in the cases of Sir William Wallace, King Robert Bruce, and possibly one or two more.

Strange as it may seem, the proposal to incorporate, under a Royal Charter, this apparently very harmless fraternity, met

with bitter opposition, and that from quarters where different views might have been looked for.

The petition for a Royal Charter was in due course referred to the Lord Advocate, Henry Dundas; but before further steps were taken, a *caveat* was entered by the Principal and a number of the Professors of the University of Edinburgh. Certain of the Curators of the Advocates' Library, and office-bearers of the Philosophical Society, likewise protested against the proposed grant of a Charter.

The reasons advanced by the professors were a little far-fetched. They pointed out, that though there were two literary societies in England, Scotland was "too narrow a country" for more than one, as every one must allow; and that the formation of a Royal Society, including every branch of literature and science, would be better, and "that Scotland ought not to form her literary plans on the model of the more extensive kingdoms of Europe."

To this it was replied that Scotland was not *too narrow* "to support with dignity four flourishing universities," consequently could well admit of another literary society. With regard to the lectures on Natural History, which the University authorities dreaded, it was pointed out that the *philosophy* of Natural History was the subject of the proposed lectures by the Superintendent, who did not aim at the teaching of the science. Moreover, it appeared that the professor of this same science, at the College, though established in his chair seven years before this period, had not once opened his mouth, in the way of a lecture, during all that time.

The Advocates were afraid lest ancient MSS., and such objects of literary interest as they had been in the habit of receiving, might go past them to the newly formed society. Obviously the objections had been "dictated by an ill-founded jealousy." The Lord Advocate thought so, for the Charter was granted the day after the receipt of the Antiquaries' rejoinder to the objections raised,—his Majesty signifying, at

the same time, his wish to assume the office of Patron of the Society.

Along with the "raggamuffins"[1] (though not, perhaps, of them) with whom it was alleged Lord Buchan was swamping the new Society, was Horace Walpole. A one-fold ingenuousness does not appear to have been a characteristic of his correspondence with Lord Buchan at this time. While desirous of leading Lady Ossory to think that he was reluctantly drawn into a correspondence with the Scotch peer, and that he had tried to disentangle himself, sometimes writing "with a smile," of which, however, there is little, if any, trace in his letters, he was yet not unwilling to take advantage of the scraps of gossip which reached him in this way of the doings of Scotch gentlemen. The interesting fact, conveyed to Lady Ossory, that Lord Monboddo had twice proposed to Mrs Garrick and been refused,—"whether because he says in his book that men were born with tails, or because they had lost them," Walpole did not know,[2]—was most likely gathered from one of Lord Buchan's letters; at all events, the correspondence with the Earl of Buchan gave the wit, for years to come, material for his gibes at *all* learned societies.

The following is the letter to Lord Buchan which it suited Walpole, when writing to Lady Ossory, to affect was written with the intention of quizzing his correspondent,—the letter in which he "terrified himself" lest a blunder in the first catalogue of the Society "should be construed into an intended aspersion" of Queen Mary:—

[1] "Lord Buchan is kicking up a sad dust about his Antiquarian Society. He wants a Royal Charter, which the University and the Faculty of Advocates are to oppose. . . . He has admitted such a number of *ragamuffins* into the Society, that the respectable members are resigning very fast, and joining the University and Faculty of Advocates in an application for a Royal Charter for a new society, to include every sort of literature, on the plan of the Berlin Society."—See Letter, dated Nov. 30, 1782, from Professor Dalzell to Mr Liston at Turin. *Hist. of University of Edinburgh*, i. 39.

[2] *Letters* (Cunningham's edit.), Nov. 3, 1782, viii. 297.

"STRAWBERRY HILL, *Nov.* 5, 1782.

". . . My memory is, I suspect, not so punctual as it used to be. . . . I will mention, since I did not, a typographic error which I now recollect, tho' having lost the tract, I cannot specify the page, but it is in the catalogue of donations. One of the first-mentioned coins of Queen Mary, the reverse is said to exhibit a *satyr* instead of a *saltyr*. This blunder may make some of her Majesty's censors smile.

"I congratulate your Lordship on the new treasures you have discovered. Drummond of Hawthornden is a favourite author with me; and the letters of Ben Johnson and Drayton I should expect to contain some interesting literary anecdotes. Q. Elizabeth's letter on the Conspiracy of the Gowries can hardly be indifferent. There are few historic events which has been less satisfactorily cleared up. The plot, if certain, was unaccountably wild: if unfounded, was not the less absurdly invented. I have sometimes suspected that the Gowries, having drawn the king into their power, might menace him to extort some favours which his Majesty's poltroonery might magnify, and then colour over with pretended fortitude and presence of mind, which in so servile an age was sure of being exaggerated and cried up to the skies.

"If your Lordship should print any account of John Law, the Mississipian, and wish to give a print of him, I have a portrait of him by Kosalba—the best I ever saw by her hand, and which must be extremely like, as it is the very image of his daughter, Lady Wallingford, now living. As the picture is in crayons, and even let into the wainscot of my gallery, it cannot be taken down; the artist must therefore make the drawing from where it is.

"The discoveries made by the telescope, which your Lordship has been so good as to communicate, are stupendous indeed! You have launched my meditations into such a vast field, that if I stopped one channel I should write a volume, and perhaps finish in the clouds. One wish I cannot help

expressing—it is, that since our eyes *can* be so wonderfully assisted, we coud also improve others of our senses. Since we contrive to see 1710 millions of miles beyond the sun, one shoud think it possible to form a trumpet for hearing what is said in the moon, which, in comparison, is but just over the way. I don't wonder that Bishop Wilkins was ambitious of getting thither, even upon the very narrow fund of knowledge that he then possessed.[1]

"HORACE WALPOLE."

It does not appear that Mr Erskine was very regular in attendance at the meetings of the Antiquarian Society; on the contrary, he on one occasion was attacked for his indifference to its welfare after the interest he had shown in his brother's efforts to get the Society established. He was charged with never having given anything in the form of a donation.[2] Upon this he wrote to the Secretary, regretting that he had been unable to attend their meetings for some time past, at the same time stating that he enclosed "a donation which, if you keep long enough, will be the greatest curiosity you have." This was a guinea of George III.

If there be any truth in a story related of Lord Buchan's conversation with some of the Antiquaries at one of their first meetings, it would appear that their attention to Natural History, as they used the term, led them to encourage the development of the resources of the country, and the use of native products, such as other associations unconnected with archæology have since aimed at.

On the occasion in question, when Lord Buchan had taken

[1] *Laing MSS.*, Edin. Univer. Lib. This letter is not given by Cunningham.

[2] This was not exactly correct, seeing that there is in the first list issued of donations to the Society, mention of "a valuable collection of Scots Music, made by the learned and ingenious Walter M'Farlane of M'Farlane, Esqre., vols. 2 and 3, folio, the one containing 250, and the other 292 airs," presented by the Honble. Henry Erskine.

the chair as President,[1] he remarked, after having taken a careful survey of the company assembled—

"I do not observe, gentlemen, that any of you have strictly complied with our rule that every article of our dress should be of Scottish material, and manufacture."

Several of the members replied somewhat indignantly—

"My Lord, it appears that most of us have complied with all that is wrote in the regulations as exactly as your Lordship has."

"Nay, gentlemen," replied the President; "you will be pleased to notice that my buckles and coat-buttons are of *jasper* from *Arthur's Seat*, and carved *in Edinburgh*. Pray, of what are *your* buttons and buckles composed,—and where were they made?"

Amongst the most remarkable of the members of the Antiquarian Society was Hugo Arnot of Balcormo, advocate, author of the *History of Edinburgh*. His lean and attenuated figure and ill-favoured countenance have been rendered familiar to us by means of Kay's *Portraits*, where Hugo Arnot figures in the most diverse situations. Sometimes he appears with his starved body fitted to the fat face of some one else, and *vice versa*, sometimes in the unwonted attitude of giving charity to a beggar—and so on. His most striking characteristics seem to have been strong Jacobite opinions, *quasi* atheistical views, and extreme penuriousness, with a certain sort of reckless courage.

Few of the stories about Arnot show him in a very pleasant light. He appears to have excited the wrath of Lord Buchan at an early stage of the Society's existence, by indulging in cynical remarks at its expense. Possibly this may have been in consequence of the King's office of Patron; but at the same time Arnot was arrogating to himself the title of "Fellow" of the Society, while the usual form adopted was that of

[1] The early meetings of the Society were held in Lord Buchan's house, No. 27 St Andrew Square, the corner house looking into North St Andrew Street.

Member only. In reference to this unwarranted assumption of dignity on the part of Hugo, Lord Buchan,—from a rough copy found amongst his papers,—seems to have quoted with effect the well-worn couplet from Pope—

> "Worth makes the man, and want of it the *Fellow;*
> The rest is all but leather or Prunello."

These lines have been written by his lordship, under the signature of Hugo Arnot, which had been graced with the designation "Fellow of the Antiquarian Society," to a letter ridiculing the idea of an anniversary dinner which the Society thought of holding.

The Earl of Buchan likewise took the opportunity of inflicting a further cut at the malcontent, by the transmission to him of a sarcastic invitation to take the post of croupier at the said anniversary feast. The effusion is not very brilliant, nor the point very apparent at the present day. It no doubt was considered effective at the time, but the flavour of such things is very evanescent.

Hugo Arnot fared no better at the hands of Henry Erskine, to whose credit it is related that he now and then "dropped some seeds in very dry places among the whin boulders of infidelity." Arnot's views were well known to savour of scepticism, or something stronger. On a certain occasion, returning from a Sunday-afternoon ride on his famous white horse, he met Mr Erskine, who had been better employed in attending divine service. Hugo, addressing him, called out: "Where have you been, Harry? What has a man of your sense to do consorting with a parcel of old women? I protest you could expect to hear nothing new;" adding, with an extra sneer—"Where, now, was *your text?*"

"Our text,"—replied Harry in a lugubrious tone, and with a voice of impressive solemnity, his eye sternly fixed, the while, on the white horse and his rider,—"was from the 6th chapter of the Book of Revelation and the 8th verse: 'And

I looked, and behold a *Pale Horse:* and his name that sat on him was DEATH, and *Hell* followed with him.'"

This was rather too much for Mr Arnot, who, looking at his watch, and suddenly remembering he had an appointment at the Pleasance, rode off.

The "lean demon Hugo," as he is described in a copy of contemporary verses, on another occasion encountered Mr Erskine, and disputing with him regarding the disposition which the Deity manifests in Holy Scripture to pardon the errors of the flesh, Mr Arnot contending for a very liberal code; Mr Erskine gave his opinion on the subject in the following lines:—

> "The Scriptures assure us much may be forgiven
> To flesh and to blood by the mercy of heaven;
> But I've searched all the books, and texts I find none
> That extend such forgiveness to *Skin* and to *Bone.*"

One of the many advantages attending the completion of the North Bridge was the opening up of a direct road to the Port by Leith Walk. Formerly the route lay across the valley by Leith Wynd and Calton to the head of Leith Walk, or by the outlet to the valley *viâ* Halkerston's Wynd — a very inconvenient line, from the steepness of the descent to the level of the Nor' Loch. As shown by the maps of that period, there was scarcely a house between Mutrie's Hill and Leith—the only interesting spot being the Gallows' Hill to the left—so that "the Walk" afforded all the attractions of a country road. The North Bridge enabled the citizens to escape easily from the town, and to enjoy a rural walk, agreeably terminated by a charming view and fresh breezes at the end of Leith Pier.

The Pier of Leith soon became a sort of *riva alta,* where lawyers and others were wont to congregate of an afternoon. It is the scene of one of the best-known incidents connected with Mr Erskine and Hugo Arnot, who seems to have been

as inexhaustible a subject for his wit as for Kay's caricature. Meeting Mr Arnot taking a promenade on the pier, and eating a *spelding* or dried haddock as he went, Henry Erskine, in allusion to his extreme tenuity of person, is reported to have said, after salutations had been exchanged, "I am very glad to see you, Hugo, looking *so like your meat.*" On stormy days, when the sea was breaking over the pier, might sometimes be seen the strange and weird sight of the gaunt and cadaverous Hugo on his pale horse riding through the spray at the seaward end of the pier,—a most perilous performance considering the slippery state of the old wooden erection, which was not then defended by any bulwark.

This easy access to the shore was considered a great gain, seeing that this same Pier of Leith has always been looked upon by Edinburgh citizens with a peculiar interest, almost amounting to affection—the reasons for which are not very apparent: at least it was so until the advent of the present generation. In the days of our grandfathers a very favourite toast was, "All absent friends, all ships at sea, and the *Auld Pier o' Leith*,"[1]—a quaint combination, which invariably met with an enthusiastic reception. This particular sentiment, or expression of feeling, was invariably given by an old gentleman of the last century—a relative of the present writer's. He never gave any other. In those days of courtesy no one would have thought of appropriating a toast which had become identified with an individual of the company, any more than he would have thought of singing his favourite song.

[1] The old Pier of Leith at one time held a dignified position amongst public institutions—inferior only to that of the "Mercat Cross," and "Tolbuyth of Edinburgh." In the case of the legal summons of a party whose domicile could not be ascertained, or when he was known to be "furth of Scotland," the citation was *edicted*, or served, at the Cross of Edinburgh, and "at the Pier and Shore of Leith." This done, in criminal cases the name of the party was called from the "Tolbuyth windo" at three stages of the judicial proceedings, and he was thereafter declared rebel, or "fugitate."

Happy was the man, and thrice happy the young lady, who could escape thus easily from an ordeal which Lord Cockburn has described as being peculiarly trying to young people. Very few could give, either from lack of courage or imagination, an original "sentiment" in the proper epigrammatic form. Consequently the more highly gifted were wont to prepare lists of such things, so that no one need be found wanting. A production of this sort enjoyed a widespread popularity in the south country: it was the work of a certain Henry M'Minn of Dumfries, and a curiosity. But the one great drawback to all such handbooks was, that at a certain stage of conviviality these self-complaisant aphorisms were somewhat apt, in laundry phrase, *to run*. So that some of Mr M'Minn's highest flights were known to have been reproduced in curious shape. For example—"As the carcase is to the bee, or as honey to the vulture, so is the present company to all who value, &c., &c."



CHAPTER VIII.

TRANSLATIONS — HORACE — MOSCHUS — ANACREON — DEPOPULATION OF THE HIGHLANDS — *THE EMIGRANT* — BIBLIOGRAPHY OF *THE EMIGRANT.*

WHEN it was sought to satirise Charles James Fox in the pages of the *Anti-Jacobin,* it was in the form of an "Imitation of Bion, in the character of Mr Fox, at his seat at St Ann's Hill," that it was attempted. His fondness for the Greek poets was largely shared by Mr Burke, "whose copious tongue with Grecian richness flowed," as the graceful lines of Canning remind us, in that journal. To the same cause, no doubt, is to be attributed much of the eloquent flow of language and rich imagery which characterised Mr Erskine's oratory. He, equally with the statesmen who have been named, was possessed with a strong love for classical literature —especially for the writings of the old Greek poets—which found expression in sundry translations of passages which apparently had taken his fancy from some thing in them congenial to his feelings. Several of these pieces are extant; but it is believed that though a few of them were printed during the first two years of this century, they are almost unknown at the present day.

If perfect translation consists, as is supposed, in expressing the poet's meaning in the words he would probably have used, had he been acquainted with the language in which his thoughts are sought to be reproduced, it would appear to

follow, that what is accurate translation in one age may not be so considered in the next succeeding, though the best may have been done for the poet, in the first instance, that the language and taste of the age permitted. We have seen Pharaoh's daughter represented as finding Moses, in a gown with *gigot* sleeves, and St Stephen martyred in what appear very like top-boots. There came an age when such treatment was not deemed satisfactory.

A consciousness of something of this kind it is well to bear in mind while reading old translations, and in comparing the obsolete taste which they sometimes display with the more modern treatment of such things. At the same time, though there exists a high modern standard which at times is reached, it will be conceded that many of the so-called translations of this age, marked by little of the simplicity of the old poets, present to the reader fully as much of the translator's mind as of that of the original *maker*,—nay, that the modern artist in words would in many cases consider it a humiliation were this found to be otherwise.

In the specimens of Mr Erskine's translations which are now given, when allowance has been made for the last-century form in which the ideas have been moulded—a form which is, as has been suggested, scarcely in the taste of the present day—it is believed that much of the flavour of the originals will be found to cling to them, and that they show "a vein of clear sincerity," a considerable facility of expression, as well as a delicate ear for musical cadence.

Mr Erskine's powers as an interpteter of a Latin poet are, it is thought, well shown in his versions of several of the Odes of Horace. Two of these are submitted to the reader's judgment. Perhaps the most successful is the "imitation" of Ode 16, Book II. It bears evidence of having been done *con amore*, and is both spirited and classical. The measure of success attained in this piece is no doubt, in part, attributable to the fact that here Horace was more in earnest than he

often was; his love of ease was ardent and sincere. The translator responds to the vigour with which this feeling is expressed. In the other, Epode 2, of which a few stanzas are given, Horace appears much more conventional. The kind of ease which the poet really liked was by no means that of the frugal rustics; infinitely more to his taste was a luxurious dinner, in which the details were the result of study on the part of his friends Mæcenas or Augustus; and he has scarcely succeeded in writing as if the case were otherwise. This necessarily reacts upon the translator; though there can be little doubt that Henry Erskine was more loyal to the feelings expressed than was the Epicurean poet when he wrote the Epode in question. In the four stanzas beginning with the line, "But if a wife, dear partner of his heart," we have a thought which Mr Erskine had made his own, and has expressed over and over again throughout his writings, and amplified in one of the last of the pieces that came from his pen.

HORACE.—Ode 16, Book II. Imitated.

"*Qtium Divos rogat in patenti Prensus Ægæo,*" *&c.*

When clouds obscure the Queen of Night,
And veil from light her silver ray,
Nor lends one friendly star his light
To guide the vessel's wand'ring way;
Long tost upon the raging seas,
The wearied sailor prays for ease.

In war, the furious Thracian tried,
Inur'd to danger, toil, and pain.
The Median gay, in quiver'd pride,
Both, wish for ease and peace in vain;
Ease, which for purple, gems, or gold,
Ne'er was, or ever can be sold.

Not all the wealth of India's mine,—
Not all the pomp or pride of pow'r,
Tho' every pageant should combine
To deck its bright but transient hour,
Can, from the gilded bed of state,
Banish the cares that haunt the great.

Better, and happier far, he fares,
Whose plain, yet neat and wholesome board,
Spread with the produce of his cares,
Can health, content, and mirth afford;
No wish to gain, no fear to lose,
Disturb his peaceful soft repose.

Why, then, does enterprising man
So many schemes for fortune try?
Why risk life's short uncertain span
Beneath a foreign hateful sky?
Tho' through a thousand climes he roam,
Ne'er can he leave his cares at home.

The stoutest ship that braves the main,
With eager strides black Care ascends;
The swiftest troops that scour the plain,
As swift, his ghastly form attends;
Fleet as the lightly-bounding Roe,
Or clouds when fiercest tempests blow.

Contented now, why should we care
What changes fleeting time may bring?
Let social pleasure heal despair,
And mirth each future moment wing:
Of each event still make the best,
For who was e'er completely blest?

Achilles, warlike Greece's pride,
Died glorious on the bloody plain;
While Tython's age, a grave denied,
Long call'd on Death, but call'd in vain;
And Heaven perhaps may give to me
The days and years denied to thee.

A thousand flocks thy mountains feed,
A thousand herds thy verdant plains;
For thee loud neighs the foaming steed,
Obedient to the silken reins;
While purple, radiant as the morn,
With gold and gems thy robes adorn.

In humble cot, obscure to dwell,
To me my fate has Heav'n assign'd,
But bids the Muse my bosom swell,
And freedom elevate my mind;
Inspiring both my heart and song
To scorn the base and vulgar throng.

HORACE.—Epode 2. Imitated.

"Beatus ille, qui procul negotiis," &c.

Happy the Man, who free from care and strife,
Possest of every joy contentment yields,
Like Man's primæval race, who leads his life
Amidst the labours of his native fields:

Who hears unmov'd the trumpet sound to war,
Or loudest tempests vex the angry main;
Who shuns the venal Court and wrangling Bar,
And those gay scenes where Vice and Folly reign.

Beneath the ancient Oak's embowering shade,
From noonday's beam secure he careless lies;
Or, on the verdant bank, at evening laid,
Tastes the soft western breeze that cools the skies.

There, heard afar, hoarse murm'ring on the gale,
The torrent tumbling down the distant steep;
The stream that chiding wanders down the vale,
With sweetest songsters, soothes his soul to sleep.

But if a wife, dear partner of his heart,
With sympathising soul his fortune share;
If cheerful she perform *her* tender part
Among the infant objects of their care;

If she, against her weary lord's return,
Shall raise the well-dried wood in airy piles;
If she shall make the smiling hearth to burn,
And deck her matron face in sweeter smiles;

If she shall pen at ev'n her loaded ewes,
And drain the luscious stream with rosy hand;
If she shall press the grape's enliv'ning juice,
And on his board an unbought feast shall stand;—

Not all the costly dainties that are sought
In farthest climes, to deck the pamper'd board;
Not all luxurious fancy ever thought,
Could to my taste an equal joy afford.

. . . . . .

Mr Erskine's version of the Idyll on the death of Bion, some extracts from which follow here, will, it is thought, be found to preserve much of the soft, smooth rhythm for which the writings of Moschus are remarkable, written as they were at a period when Greek poetic literature had reached the stage of decline known as "the Decadence." It may be said that, without indication of great original genius, the specimens of his poems now placed before the reader exhibit qualities which, in modern phrase, would be characterised as prettiness and sweetness. The same remark applies to the verses of Bion, whom Moschus, the Syracusan, alludes to as his preceptor and friend, and whose death, by poison, he mentions.

It has been thought that *The Lotus Eaters* owes no small share of its "languid and dreamy beauty, its soft and luscious verse," to a study of the fragments of Bion and Moschus which are extant.

Mr Erskine's "imitation" has been done with such singleness of purpose, that, like its original, it perceptibly breathes the languor of the Decadence; and, as writes a very distinguished scholar of our day—whose own *Translations*, one would say, will be read hereafter with pleasure, if anything of that sort is to escape the gnawing tooth of time—"with all its graceful melody, it leaves on my mind the impression that Mr Erskine secretly thought Bion a poor creature." Perfectly in accordance with this opinion is the fact, that throughout these verses the translator is always at his best in those passages where the original rises in pathos or in fire.

IMITATION of the 3d IDYLLIUM of MOSCHUS on the DEATH of BION.

Ye Doric Streams, that with poetic wave,
Sicilia's verdant hills and forests lave;
Ye Groves, whose sacred haunts the Muses tread,
Come mourn with me the gentle BION dead.
Ye Flow'rs no more perfume the vernal gale,
Ye Vi'lets wither, Roses turn to pale,
And thou sweet Hyacinth, whose letter'd leaf,[1]
So long has worn the bloody marks of grief,
With more than wonted sadness learn to tell
How, wept by all, the tuneful Shepherd fell.
Sicilian Muse, begin the song of woe,
And make the strains in mournful measure flow.

Ye Nightingales, whose melancholy song
So sweetly breathes her blooming banks along,
To Arethusa's wandering wave relate,
In saddest notes, the youthful Poet's fate;
Tell her the Doric strains shall sound no more;
Tell her the weeping Muse has left her shore.
Sicilian Muse, begin the song of woe,
And make the strains in mournful measure flow.

[1] "Now thou Hyacinth, whisper the letters on thee engraved, and add a deeper *ai ai* to thy petals; he is dead, the beautiful singer."—Lang's *Translation.*

Ye sweet Strymonian Swans, where'er ye glide
On the smooth bosom of the silver tide,
O! pour the doleful tale in ev'ry ear,
Till it sounds that he himself might hear,
To each Ægrian, each Bistonian maid,
That low in earth their Orpheus now is laid.
Sicilian Muse, begin the song of woe,
And let the strains in mournful measure flow.

Dear to his flock, no more the matchless swain
Directs their wanderings o'er the sunny plain;
No more, far floating on the balmy gale,
His voice is heard along the flow'ry vale;
For now, alas! by Styx's current drear,
He pours his song in Pluto's ruthless ear.
For ever silent are his native rocks,
Where foodless wander his forsaken flocks;
Robb'd of his cheering voice, his tender care,
They fill with doleful bleatings all the air.
Sicilian Muse, begin the song of woe,
And make the strains in mournful measure flow.

Deep mourn'd the Muses round their fav'rite's bier,
Nor spared Apollo's self the sigh sincere;
Pan and Sylvanus, with the Satyrs sad,
Wail'd o'er thy tomb in sable vesture clad;
The flow'ry-kirtled Naiads, as they led
Their murm'ring currents through the verdant mead,
Where wrap'd in Fancy's dream thou lov'dst to lie,
Wept thy sad fate till all their urns were dry;
While Echo, wont thy tuneful notes to swell,
Pin'd for thy loss within her silent cell.
Ev'n Spring in sorrow check'd her genial breath,
And all her verdure wither'd at thy death.
The luscious streams the flocks no more brought home,
No longer flow'd the honey from the comb,
But in her waxen cell expired the Bee
In pining grief; for where, deprived of thee,
Where could she find, the flow'riest banks among,
Honey, to match the sweetness of thy song?

Sicilian Muse, begin the song of woe,
And make the strains in mournful measure flow.

Ne'er did the Dolphin sound so sad before
His doleful mournings round the sea-beat shore:
Beneath the shade, with half so sad a note,
Ne'er tun'd sweet Philomel her warbling throat;
Nor, skimming low the lonely hills along,
Did e'er the Swallow twitter forth her song;
Never in such a melancholy strain
Did the stream-haunting Halcyon complain;
Never along the Ocean's glassy breast
Sung gentle Cerylus so sore distrest;
Or round his sad sepulchre in the vale,
Did Memnon's bird his master's fate bewail;
As did ye all, on this unhappy shore,
Young BION'S hapless, timeless death deplore.
Sicilian Muse, begin the song of woe,
And bid the strains in mournful measure flow.

. . . . . .

Sweet shepherd, poison caus'd thy timeless death,
And stopt, for ever stopt thy tuneful breath;
Nor did thy lip with magic sweetness fraught,
To heav'nly nectar turn the venom'd draught:
Yet sure the Furies must have steel'd his heart
That could the deadly beverage impart
Nor dropt the bowl, by thee and music charm'd,
His savage soul of all its rage disarm'd.
Sicilian Muse, begin the strain of woe,
And make the song in mournful measure flow.

O! may swift vengeance seize the traitor's soul;
More dreadful vengeance than the deadly bowl:
My hand is feeble to avenge thy wrong;
Accept, 'tis all I have, the pitying song.
Could I, like Orpheus or Alcides, go,
Or wise Ulysses, to the shades below,
To hear thy song, even thither I'd attend
Thy fleeting steps, thou dear, departed friend.

O! pour to Proserpine thy magic strain!
For once she sported on Sicilia's plain;
The Doric song she lov'd, and sung by thee,
Sweet as the sounds that freed Euridice,
A like effect thy music shall obtain,
And give thee back to life and love again.
O! that thy pipe my breath could learn to fill,
Or could I sing with half thy heav'nly skill,
To those dire regions fearless I'd descend,
Remain for ever there, or free my friend.[1]

Mr Erskine, while amusing himself in his leisure moments with these graceful translations, was not insensible to the efforts of others in the same direction. His complimentary epigram on the subject of Moore's version of the Odes of Anacreon, which has often been quoted, is evidence of this appreciation:—

IMPROMPTU.

"Oh, mourn not for Anacreon dead—
Oh, weep not for Anacreon fled—
The lyre still breathes he touched before,
For we have one Anacreon *Moore*."

Having himself attempted—not unsuccessfully—an imitation in the manner of the poet in question, Mr Erskine was in a position to award commendation. The following little piece, though strictly only an "imitation" (the original Ode is addressed "To a Swallow"), has the advantage of approaching nearer to the metre of the original than Moore's version of the same Ode. Indeed it is not surprising that Mr Erskine's intimate knowledge of the classics should appear

[1] Of translations of the highest class, one of the most eminent in merit, it has been acknowledged, is Mr Andrew Lang's *Theocritus, Bion, and Moschus, rendered into English Prose:* London, 1880. The verbal agreement between Mr Lang's version of the Idyllium of Moschus, and Mr Erskine's of a hundred years ago, is very striking, and corroborative of what has been affirmed in respect of "simplicity."

in a composition of this kind, for it has been alleged, that however graceful Moore may be in his versification, his acquaintance with the ancient poets was by no means intimate.

This piece, in which there are traces of the *naïveté* and elegance of the original, it is believed has never been printed till now.

ANACREON.—Ode 33. Imitated.

To a Grasshopper.

Little lively chirping thing,
Gayest minstrel of the spring,
Happy as a king art thou
When upon the blooming bough,
Or beneath the silver thorn
Thou sipp'st the pearly dew of morn;
Or, hopping in the sunny vale
Where pleasures, all thine own, exhale,
Thou pipest in the shepherd's ear,—
Summer's sultry heats are near.

The ploughman toiling on the plain,
The milkmaid blyth, and jolly swain,
Thro' the meadow, field, or grove,
As with careless feet they rove,
Love to heed thy cheerful sound,
Fear thy harmless form to wound,
Listening still to hear thee sing,—
Sweetest prophet of the spring.

Thee the Muses love full well,
In their haunts thou lov'st to dwell:
Apollo on thy little throat
Bestowed its shrilly pleasing note,
Which, beneath his cheering ray,
Thou swell'st the livelong summer's day.

Free from sickness, age and strife,
The fields that grace, support thy life
With their plain and bloodless food,
Thyself devoid of flesh and blood:
Cheerful song and sprightly play
Fill up all thy happy day.
In innocence and joy outdone
By the immortal gods alone.[1]

It may perhaps be hypercritical to call in question what is only a bit of local colouring; but there are those who would rather pin their faith to the ethics of a grasshopper than to those of the whole troop of Olympus, supporting their opinion with wealth of weighty evidence.

Upon the whole, it is submitted these fugitive pieces well deserve the attention of those who would estimate justly the character and gifts of their author. They afford, it is submitted, evidence of literary accomplishment, delicate perception, and a genuine poetical feeling, which found, as it deserved to find, a freer expression in other modes than in that of translation from the classics. Brilliant as was Mr Erskine's reputation, the memory of which is far from being forgotten in our own time, it is believed that gifts such as are here described have hardly entered into the popular conception of the character of the famous "Harry Erskine."

Sir Nathaniel Wraxall speaks in praise of the many elegant accomplishments possessed by Lord Erskine, such as, he says, are rarely found in the walks of the Temple, or Lincoln's Inn. He considered him a poet of no common order, and adds,—"I have heard him repeat his own verses with nearly as much delight as he felt himself in repeating them."[2]

It is left to the judgment of impartial readers whether the

[1] Other classical pieces of Mr Erskine's are *Epigram from Floridus*, Greek *Epigrams of Possidippus and Metrodorus* in praise and dispraise of life; several Odes of Horace; *Imitation of Catullus*, from a friend on the death of his mistress; translation of the last Chorus, Act iii. of Seneca's *Hypolitus*, &c.

[2] See *Memoirs of his own Time*, i. 87.

specimens of Mr Erskine's powers and sweetness presented in this book will not compare to advantage with anything written by Lord Erskine, who, it is only justice to say, disclaimed the idea of being himself a poet. He says so in the Introduction to *The Farmer's Vision.* Had these compositions of Mr Erskine's been more widely known, they would have, it is believed, gained for him the credit which was his due; but even Lord Brougham, who knew him and his family as intimately as any of his generation, says that Henry Erskine's knowledge was confined to the English classics.[1]

The best known of Henry Erskine's poetical pieces is *The Emigrant.* It has enjoyed for a hundred years and more a considerable popularity. It is possible that there may be poems of equal merit which, in the same period, have been read and forgotten, while circumstances in the history of this country, as well as its own merit, have been the means of keeping *this* fresh and readable down to our own time.

Dr Johnson described the depressing effect upon him of "the silence and solitude of inactive indigence and gloomy depopulation" which he found in the Highlands. What he saw was chiefly the result of the settlement of the Highlands after the Rebellion, when land hitherto worthless had acquired an increasing value. Rents being asked for the first time from poor tenants and followers had the effect of driving many of the young men to serve in the army, and the families to seek refuge in a foreign land, or in the much more dreaded city life. It was in view of this wholesale clearance of the country of its natural inhabitants that *The Emigrant* was written.

Towards the end of the century a more important movement took place, which had the effect of still further increasing the flow of emigration from the Highlands of Scotland, and of bringing Mr Erskine's poem into renewed popularity.

[1] See *Autobiography*, i. 230. This refers, however, to a date prior to the appearance of the *Metrical Miscellany* in 1802.

If, as Swift says, the man deserves well of his country who causes two blades of grass to grow where before there grew but one, then must Sir John Sinclair, the *Indefatigable*,[1] be entitled to honour, who demonstrated, not exactly that two sheep might be reared in place of one, but that on the same land which had borne the small but hardy Highland sheep, the well-fleeced and valuable Cheviots could be bred with the same amount of care. When this, the most important of Sir John Sinclair's innumerable schemes for the advantage of the country, was found to be practicable, a further clearance of the Highland districts took place, and the natives of the hills and glens had to make way for the more desirable Cheviot sheep.

The blackened gables and ruined cottages which still remain to add effective passages to the aspect of desolation in many a picture of Highland scenery, are the traces of this sad period.

It is very remarkable, that throughout all the suffering which these changes entailed, and during the severance of ties, to them the most sacred, the Highlanders never dreamed of outrage or revenge. They could suffer with dignity. When they found they were not wanted, they gathered their children about them and took their departure for lands where their

[1] " . . . I always *liked your bold dashing conduct* in favour of the knowledge and improvement of your country."—David, Earl of Buchan, to Sir John Sinclair, Nov. 9, 1801.

This most painstaking of philanthropists, who had the reputation of being the "most indefatigable man in Europe," having proposed that a testimonial should be presented to himself by the British nation, in acknowledgment of his eminent public services; in answer to one of his circulars, Thomas Erskine wrote the following skilfully contrived letter in a flowing hand :—

"My dear Sir John,—

"I am certain there are few in this kingdom who set a higher value on your public services than myself—and I have the honour to subscribe—

presence would be more appreciated.[1] The good feeling shown by these men has been reproduced in our own time, as evidenced by the anxiety of their descendants to aid in the defence of the mother country when such assistance seemed to be required; though, happily, the day has not yet come which is forecast in the latter part of the poem.

Any improvements in sheep-breeding that were possible could, of course, not be complained of; but it did seem melancholy that, through excessive haste to gather in the uttermost farthing, large tracts of country well calculated to afford sustenance for a loyal and peaceable people, such as those outcasts were, should be left, save for the sheep,

"Myself,

"Your most obedient faithful Servant,

"T. ERSKINE."

—*Lives of the Chancellors*, ix. 98.

[1] The publications of the time show the serious consequences of the mania for sheep-farming: while the case of one proprietor is mentioned whose "income had increased from £900 to £6000 a-year, which he now enjoys with little trouble to himself in collecting, and much real comfort in spending" (*The Grampians Desolate, A Poem*, by Alex. Campbell: Edin., 1804), such announcements as the following are common: "Glasgow, July 29, 1791.—Six hundred people are now embarking in two vessels from the Western Highlands for North Carolina, in America." "October 1791.—The spirit of emigration has not yet ceased, nor indeed does it seem likely to do so. By a letter from Mr David Dale, an eminent manufacturer in Glasgow, to Colonel Dalrymple of Fordell, we are informed that Mr Dale has prevented a number of Highland emigrants from going to America by finding them employment in various places in the Low Country; at Lanark, particularly, he himself offers to build houses for 200 families." (*Edin. Hist. Register*, i. 39, 1791.) In the same periodical, under date the 4th April 1792, is described the successful reclamation of the Moss of Kincardine on the estate of Blair-Drummond, one of the deepest and hitherto most unprofitable morasses in Scotland—a work which had been originally projected by Lord Kames. "The improvements," it is stated, "began in the year 1767, and have since been conducted with such efficacy that there are already living upon the barren and useless tract 620 inhabitants, with a great number of cattle and carriages. . . . The new settlers in this colony are chiefly people of the lowest rank, who had been expelled from the neighbouring Highland counties by the establishment of sheep-farms."

"A grey-faced nation
That swept our hills with desolation,"—

a silent wilderness,—to the grievous loss of the community. I do not think the fact has been sufficiently noted, if it has been at all, that one reason for the repugnance felt against these clearances was, in all probability, founded upon the teaching of the *Larger Catechism*, the propositions of which are perhaps less familiar in people's mouths at the present day than they were some generations back. It is there laid down (Answer 142) that among the crimes forbidden by the Eighth Commandment are "unjust inclosures and *depopulation*."

Again, in the early part of the century *The Emigrant* enjoyed a renewed popularity at the time when it became apparent to the landowners in the North that it was even more profitable to let their land to English sportsmen than to feed sheep thereon. The theme which Mr Erskine was probably the first to bring home to the hearts of patriotic Scotsmen, was, in time, taken up by Thomas Campbell, Mrs Hemans, and very many other writers in prose and verse.

THE EMIGRANT. An Eclogue. Occasioned by the late numerous Emigrations from the Highlands of Scotland. Written in 1773.

> "*Nos patriæ fines et dulcia linquimus arva,*
> *Nos Patriam fugimus.*"—VIRG.

Fast by the margin of a mossy rill,
That wander'd gurgling down a heath-clad hill,
An ancient shepherd stood, opprest with woe,
And ey'd the ocean's flood that foam'd below,
Where, gently rocking on the rising tide,
A ship's unwonted form was seen to ride;
Unwonted, well I ween, for ne'er before,
Had touch'd one keel the solitary shore;
Nor had the swain's rude footsteps ever stray'd
Beyond the shelter of his native shade.

His few remaining hairs were silver grey,
And his rough face had seen a better day.
Around him bleating, stray'd a scanty flock,
And a few goats o'erhung the neighb'ring rock;
One faithful dog his sorrows seem'd to share,
And strove with many a trick to ease his care;
While o'er his furrowed cheek the salt drops ran,
He tun'd his rustic reed, and thus began:—

"Farewell, farewell! dear Caledonia's strand,
Rough tho' thou be, yet still my native land;
Exiled from thee I seek a foreign shore,
Friends, kindred, country, to behold no more.
By hard oppression driv'n, my helpless age,
That should e'er now have left life's bustling stage,
Is forced to brave the Ocean's boist'rous wave,
In a far foreign land to seek a grave.

"And must I leave thee then, my little cot,
Mine and my father's poor but happy lot,
Where I have pass'd in innocence away,
Year after year, till age has turn'd me grey?

"Thou dear companion of my happier life,
Now to the grave gone down, my virtuous wife!
'Twas here you rear'd, with fond maternal pride,
Five comely sons, three for their country died!
Two still remain, sad remnant of the wars,
Without one mark of honour but their scars;
Yet live to see their Sire denied a grave
In lands his much-lov'd children died to save.
Yet still in peace and safety did we live,
In peace and safety, more than wealth can give.
My two remaining boys, with sturdy hands,
Rear'd the scant produce of our niggard lands;
Scant as it was, no more our hearts desir'd:
No more from us our gen'rous lord requir'd.

"But, ah! sad change! those blessed days are o'er,
And peace, content, and safety charm no more;

Another lord now rules those wide domains,
The avaricious tyrant of the plains;
Far, far from hence, he revels life away
In guilty pleasures our poor means must pay.
The mossy plains, the mountain's barren brow,
Must now be riven by the torturing plough;
And, 'spite of Nature, crops be taught to rise,
Which to these northern climes wise Heaven denies;
In vain, with sweating brow and weary hands,
We strive to earn the gold our lord demands;
While cold and hunger, and the dungeon's gloom,
Await our failure as its certain doom.

"To shun these ills, that threat my hoary head,
I seek in foreign lands precarious bread:
Forc'd tho' my helpless age from guilt be pure,
The pangs of banish'd felons to endure;
And all because these hands have vainly tried
To force from Art what Nature has denied,
Because my little all will not suffice
To pay the insatiate claims of avarice.

"In vain of richer climates I am told,
Whose hills are rich in gems, whose streams are gold,—
I am contented here: I ne'er have seen
A vale more fertile, or a hill more green;
Nor would I leave this sweet tho' humble cot
To share the richest monarch's splendid lot.
Oh! would to Heav'n th' alternative were mine,
Abroad to thrive, or here in want to pine,
Soon would I choose! but ere to-morrow's sun
Has o'er my head his radiant journey run,
I shall be robb'd, by what *they* justice call,
By legal ruffians, of my little all.
Driv'n out to hunger, nakedness, and grief,
Without one pitying hand to bring relief.
Then come, oh sad alternative to choose!
Come banishment, I will no more refuse!
Go where I may, nor billows, rocks nor wind,
Can add of horror to my suffering mind.

On whatsoever coast I may be thrown,
No lord can be severer than my own.
Ev'n they who tear the limbs, and drink the gore
Of helpless strangers, what can they do more?

" For thee, insatiate chief, whose ruthless hand
For ever drives me from my native land,
For thee I leave no greater curse behind
Than the fell bodings of a guilty mind;
Or, what were harder to a soul like thine,
To find from avarice thy wealth decline.

" For you, my friends and neighbours of the vale,
Who now with kindly tears my fate bewail,
Soon may our king, whose breast paternal glows
With tend'rest feeling for his people's woes,
Soon may the rulers of this mighty land,
To ease your sorrow stretch the helping hand;
Else soon, too soon your hapless fate shall be,
Like me to suffer, and to fly like me.

" On you, dear native land, from whence I part,
Rest the best blessings of a broken heart.
If, in some future hour, the foe should land
His hostile legions on Britannia's strand,
May she not then th' alarm sound in vain,
Nor miss her banish'd thousands on the plain.

" Feed on, my Sheep! for tho' deprived of me,
My cruel foes shall your protectors be;
For their own sakes shall pen your straggling flocks,
And guard your lambkins from the rav'ning fox.

" Feed on, my Goats! another now shall drain
Your streams that heal disease and soften pain;
No stream, alas! can ever, ever flow,
To heal thy master's heart or soothe his woe.

" Feed on, my flocks, ye harmless people feed!
The worst that ye can suffer is to bleed;

Oh that the murd'ring steel were all my fear!
How fondly would I stay to perish here!
But hark! my sons loud call me from the vale,
And, lo! the vessel spreads her swelling sail;
Farewell! farewell!"—Awhile his hands he wrung,
And o'er his crook in silent sorrow hung;
Then, casting many a ling'ring look behind
Down the steep mountain's brow began to wind.

From the circumstances above detailed, it has happened that *The Emigrant* has achieved a little bibliography of its own. It was written, as has been said, by Mr Erskine, in 1773, the year after his marriage—a point in the life of most men when, perhaps, the sympathies are peculiarly open to pathetic aspects of family life. Moreover, no man ever became Lord Advocate *suddenly*, and in all likelihood the view presented itself to Henry Erskine of a large part of the country left without its natural defenders, when he himself should be in a position of some responsibility for the wellbeing of the kingdom.

After having enjoyed a run of favour extending over some twenty years, the poem attained, in 1793, the highest proof of popularity possible at that time—namely, its publication in *chap-book* form, when it was sold over the country by wandering pedlars or "chapmen," along with an equally taking literature, consisting of such books as the Penny Histories,—*Wise Willie and Witty Eppie, Peden's Prophecies, The Wife of Beith, Lag's Elegy*, and the very readable productions of Dugald Graham, the *Skellat Bellman* of Glasgow.

The only copy of *The Emigrant* in the Advocates' Library[1] is, apparently, one of this chap-book edition, compressed be-

[1] The title of this tract is—"*The Emigrant: A Poem.* By the Hon. Henry Erskine; to which is added Dr Smollet's *Ode to Leven Water.* Glasgow: printed for and sold by Brash and Reid." Smollett's verses are thrown in merely to "fill the vacance of the page," in accordance with the thrifty habit of King James VI.

tween *Patriotic Wolves*, a hit at the Friends of the People, by the Rev. Mr Robb, Episcopal clergyman of St Andrews, and *A Letter* from Tom Paine.

A note facing the title is as follows: . . . "That the publication of it (*The Emigrant*) may tend to heighten and diffuse that spirit of benevolence and humanity towards our distressed countrymen, which seems at present to be awakened, is the design of its present publication. And it is earnestly to be wished that it may promote the good end for which it is now presented to the public.

"Copies of it appeared some time ago in a mutilated form. The present is printed from that done with permission of the amiable and distinguished author, and it will afford the reader more pleasure when he is assured that it is entire."

Again, in 1802 and 1804, the piece appeared in a London printed volume entitled the *Metrical Miscellany*—to be afterwards noticed—along with one or two other pieces of Mr Erskine's not before published, and in company with several poems, which have since become well known; then making their *début*.

The original edition of *The Emigrant* being now unknown —the penny tracts having gone the way of all tracts, and the *Miscellany* having become a scarce book, only to be met with in the collections of book-hunters—in the year 1879 it occurred to the late Mrs Dunmore Napier of Ballikinrain, Henry Erskine's granddaughter, to have printed, from a MS. copy of her own, a pretty little edition for private circulation, so that those coming after her might not be ignorant of the poem which had pleased many beyond the circle of the author's family during the last hundred years.

Although this was Mrs Napier's sole object in reprinting the little piece; yet by a curious chance, its reappearance was coincident, if not with the reopening of the question of Highland clearances, at least with the renewed discussion of wholesale "depopulation," which means the conversion into a silent wil-

derness of many a district which at one time formed a most valuable recruiting ground for our army; the resettlement of "crofters" on lands fit for sheep-farming; and other questions of a like nature. Thus it fell out that *again* attention was drawn to Mr Erskine's poem, and its almost prophetic utterances.



CHAPTER IX.

COALITION GOVERNMENT—MR ERSKINE APPOINTED LORD ADVOCATE—LETTERS TO HIM—MR FOX'S INDIA BILL—MR PITT'S INDIA BILL—THOMAS ERSKINE IN PARLIAMENT—SIR THOMAS DUNDAS'S LETTERS TO MR ERSKINE—IRISH RESOLUTIONS—DUKE OF PORTLAND'S LETTERS.

It was after he had been practising at the Scottish Bar for fifteen years, that Mr Erskine first took office under the Government; at a juncture very memorable in the political history of the country.

Upon the sudden death of the Marquis of Rockingham in July 1782, after three months' tenure of office, the Administration came to an end. The King gave his confidence to Lord Shelburne, more from dislike of Charles Fox, it would appear, than from any other reason. Under him Mr Fox could not serve. Chiefly, it has been alleged, he had reason to distrust him on account of his line of conduct while they both had been Secretaries of State during the negotiations for peace with America. Lord Shelburne was suspected of having done his utmost to defeat all that Mr Fox was endeavouring to achieve in the way of settlement; and with the King's connivance, as has been asserted. This consists with what Thackeray and others have shown—namely, that the sturdy old King, having the whole nation at his back, was not loath to give a lesson to his unruly children.

This Ministry, however, only lasted till the spring of 1783,

when a general peace was effected, which, however desirable, was not considered to redound to the credit of England. It was succeeded in April by the famous Coalition Ministry, in which Mr Fox—notwithstanding their former enmity—allied himself with Lord North; and they, as the phrase went, "took the Treasury by storm," dividing the power between themselves; the former as Foreign Secretary; the latter, Home Secretary; Edmund Burke, Paymaster of the Forces,—nominally under the Duke of Portland.

The secret history of Mr Fox's alliance with Lord North, his former adversary, is discussed by Earl Russell, who quotes Walpole's opinion that the King's dislike to Fox was in great measure due to the fact of the Prince of Wales having thrown himself into the arms of his friend and counsellor.[1]

It is certain that neither the King nor the bulk of the people had implicit confidence in either Shelburne or Fox; consequently, when the King succeeded in again grasping the powers of Government, he had nothing to say to Shelburne; neither had Pitt, though he had himself been Chancellor of the Exchequer during Shelburne's Ministry.

One of the first acts of the new Administration was the offer by the Duke of Portland of the office of Lord Advocate for Scotland to Mr Erskine, who had by this time earned a brilliant reputation for all the qualities of a first-rate lawyer, combined with firmness of political principle.

This is the letter in which the intelligence of the appointment is conveyed:—

Duke of Portland to Mr Erskine.

"CHISWICK, *Friday Even: 15th August* 1783.

"SIR,—I have great satisfaction in obeying his Majesty's commands, which I had the honour of receiving this afternoon, and by which I am directed to propose to you the

[1] *Memorials and Correspondence of Charles James Fox*, ii. 45.

immediate succession to the office of his Majesty's Advocate for N. Britain, now vacant by the removal of Mr Henry Dundas. As I am acquainted by Sir Thomas Dundas with the very handsome manner in which you have expressed yourself upon the subject of this employment, in case it should be offered to you, I have taken the liberty of giving instructions for every step being taken without loss of time that can facilitate your being put in possession of this very distinguished and important office; and I am willing to flatter myself that in consequence of the means which have been adopted, no delay will arise that can in any degree prejudice the publick, or which need prevent your immediate assumption of the office which his Majesty is most graciously disposed to destine you for. I am very happy in being the instrument of conveying to you this honourable proof of his Majesty's opinion of your talents and abilities; and in offering to you at the same time this feeble but sincere testimony of the sense I entertain of your great merits.—I am, with great truth and regard, . . . PORTLAND."

Numerous congratulations on his promotion follow, which show with what general satisfaction the appointment was received by persons of all shades of opinion. William Adam, the friend of the Erskines, writes :—

"CROYDON, 19*th Aug*t. 1783.

"MY DR. HARRY,—(For in spite of your late advancet. you must still permit me to call you by that name) It was with most infinite pleasure and satisfaction that I learn't from your brother last Saturday, while we were spending a pleasant day in the interval of our circuit at Brighthelmstone, the news of your appointment to the situation of Lord Advocate. I am convinced that the present Government has not done a wiser thing since their appointment than removing the late Lord Advocate, except appointing the present. To wish you to

enjoy it long would be expressing that in which I should have no merit, because it is only wishing the prolongation of advantage to myself, in which indeed there is infinite additional comfort when one knows that one's real friends are participating of the same prosperous events. But to see you display in that most eminent situation that a Scotch barrister can attain, all the ability, knowledge, and discretion that I know you to be possessed of, and have seen you exert, will give me infinite pleasure, without an emotion of surprise. I expect soon to see the time when *two Erskines,* in two different climates practising, are to be at the head of the profession in the different countries, where, unlike Castor and Pollux of old, the one will not be in the shades below when the other is in heaven, but both at once lords of the ascendant in their respective hemispheres. In order that that object may be attained with as little delay as possible, I wish you with all convenient speed to be among us in the House of Commons; and if any means occur by which I can tend to forward that object, you have only to desire me to be upon the watch.

"Your brother, and my most valued friend, is as well in health and as successful in business as you or I can wish him, and I will not permit you to wish him better than I do. Every day I live with him (and we are not much asunder), I congratulate myself more and more on the good fortune I have in enjoying the friendship of so much worth, genius, ability, eloquence, and spirit.—I am, my dear Lord, or my dear Harry, yours most faithfully, WILLIAM ADAM."

Then comes a letter, gratifying to read, from Henry Dundas, the late Lord Advocate, "the Friend and Brother of Mr Pitt," which is very much what might have been expected from a man who had the reputation of being in a high degree large-minded.

Mr Dundas to Mr Erskine.

"AUGHTERTYRE, *24th Aug*t.

"MY DR. LORD,—Upon arrival last night from the Athole hills, I found a letter from Mr Davidson, wherein he mentions your appointment to be my successor as King's Advocate. You will not expect from me to say that I approve of the change, but you may believe me to be very cordial and sincere in wishing you all health and happiness to enjoy it. Perhaps in the first outset of a new line of business you may sometimes wish to know what your predecessors were in use to do, if any such occasion occurs to you, you will find me at all times very ready to aid you with any suggestions of mine which you think worthy of receiving. And with best respects to Mrs Erskine, I remain, my Dr. Lord, yours affectly.,

"HENRY DUNDAS."

On the day when the appointment changed hands, an interview took place between the new and the old Lord Advocate, in the Parliament House. Erskine, observing that Dundas had lost no time in divesting himself of the robe of office, having already resumed the ordinary stuff gown usually worn by advocates, said gaily that he supposed he "ought to leave off talking and go and order his *silk* gown," the proper garb of the Lord Advocate, and Solicitor-General.

"It is hardly worth while," said Dundas, drily, "for the time you will want it; you had better borrow mine." Erskine's reply was happy and characteristic.

"From the readiness with which you make the offer, Mr Dundas, I have no doubt that the gown is a gown made to fit *any party;* but however short my time in my office may be, it shall never be said of Henry Erskine that he adopted the *abandoned habits* of his predecessor."

He had but little use of his new silk gown. When the

short-lived Whig Administration came to an end, Mr Erskine was succeeded by Mr Ilay Campbell, who became afterwards Lord President. On resigning his gown, he said to his successor, who had not his inches: "My Lord, you must take nothing off it, for I'll soon need it again."

"Mr Campbell replied: "It will be *bare* enough, Harry, before you get it again."

He did get it again, but not till after twenty years had passed.

The great event in the history of the Coalition was the advancement of the measure which became famous under the name of "Fox's India Bill," a measure intended to remedy all that had been found defective and corrupt in the Indian Government, by the summary process of taking the rule from out of the hands of the East India Company, and intrusting it to a board of Commissioners. These men were to be nominated in the first instance by Parliament, and afterwards by the Crown. The objections to this scheme were said to be that no link was provided between the Commissioners and the Ministers of the Crown, and that therefore they would practically be beyond the control of Parliament. Stronger reasons were to be found in the distrust of the commercial classes of a theory which admitted of interference with a charter solemnly granted, as exemplified in the proposed destruction of the greatest commercial enterprise that had ever been seen in this country. It was all to no purpose that Fox urged that "trust abused is revocable;" the King's dislike to the notion of placing the patronage of India at the disposal of the Whigs, was an argument equally intelligible. But notwithstanding the outcry which was raised against this Bill, it is considered by many to have been a masterly document, greatly superior in scope and statesmanlike treatment of the subject in question, to the Bill of Mr Pitt which was ultimately passed.

There had appeared about this period in society in England, and notably in Scotland, a class of men who gave point to many of the bitterest charges against the Indian Administration; and were destined to be a blessing to play-writers and novelists, especially Scotch novelists. These were *the Nabobs*, or, as they were called in Scotland with a breadth of vowel-sound closely approaching the Eastern pronunciation, the "Nawbabs"—men who had gone to seek their fortunes in the East while yet our rule was far from being confirmed, and had now returned, in most cases wealthy and irascible; these were fierce opponents to any India Bill. Queer stories followed them. It was the belief that these men, albeit they were looked upon with wonder and envy, had been "notorious evil livers," and were now come home laden with ill-gotten riches and the maledictions of the down-trodden Hindoo.

The contest which ensued was for the Whig party a life or death struggle; and it becomes evident, in reading the numerous letters written by Sir Thomas Dundas[1] for the purpose of keeping his colleague informed of the course of events, how little thought there was in the minds of any concerned with the India Bill, what bearing it was likely to have upon the natives of the East, or what would be its effect at Surat, or Cosimbazar, compared with the more important question in the eyes of Sir Thomas Dundas and the Lord Advocate, of the "complexion" of the Parliament House, or the temper of Provost Grey in Renfrew, or of Bailie Trail in Orkney, in view of a possible dissolution of Parliament.

In the meantime it rested with Mr Erskine to secure every vote that could be obtained for his party. There is abundant

[1] Sir Thomas Dundas succeeded his father, Sir Laurence, first Baronet, in 1781. His mother was Margaret, daughter of Alexander Bruce of Kennet. He married in 1764 a sister of Earl Fitzwilliam. Sir Thomas was Lord Lieutenant and Vice-Admiral of Orkney and Shetland, and F.R.S.; created Baron Dundas of Aske, county of York, in 1794. The Earldom of Zetland was afterwards conferred on the family. The house of Sir Laurence Dundas in Edinburgh was the handsome building in St Andrew Square now occupied by the Royal Bank.

evidence of his unwearied activity. For instance, on the 3d December, Mr Erskine writes to Lord Rosebery begging of him to give his vote for the East India Bill, when it shall be brought before the Lords; "and," he adds, "I shall feel a peculiar satisfaction in considering your Lordship's sentiments in a matter of such deep importance to the State congenial with mine, and according with the views of an Administration whose spirited exertions bid fair to produce the most salutary consequences to the real interests of the empire."

In the end, the Bill, after being passed in the House of Commons by large majorities, was rejected in the Upper House by a majority of 87 against 29, entirely through the exercise of the King's private influence. His Majesty had previously empowered Earl Temple to inform each peer that he would consider every one who supported the measure as his personal enemy. The hurry and confusion in which Sir Thomas Dundas writes at this juncture conveys but an inadequate idea of the rage and disappointment felt by the Whig party at what they justly considered to be the unscrupulous use by the King of private pressure upon the Peers. Hitherto this contest had been fought out with perfect fairness on both sides; now the winners themselves could not but feel that something like a foul blow had been the means of their victory. These were the days of "personal government" pure and simple: the old King knew how to raise his arm and bring it down with effect, when there was occasion.

Within twenty-four hours the King had desired the resignation of Fox and Lord North, to be followed by the appointment of William Pitt (then only in his twenty-third year) as First Lord of the Treasury and Chancellor of the Exchequer, which led to many bitter things being uttered by Fox,—for example, the necessity for the House to "convince the young men who had taken such unwarrantable steps to possess themselves of power, that Government was not the plaything of children, as their rash and mad ambition might prompt them to believe."

Thus ended the supreme and well-combined effort of the Whigs "to maintain a parliamentary party independent of the King's personal influence, and to establish its supremacy over the royal will.[1]

The Whigs being now in Opposition, continued their attacks with much perseverance, Henry Erskine in Scotland straining every nerve in order to push forward both peers and members in Parliament, while Thomas Erskine, in the House of Commons, was arguing with much plausibility against a dissolution, the only ground for which, he said, there could be, was that Ministers could not get on with the present House of Commons.

In this instance, however, the result showed that public opinion was with the King. Parliament was dissolved in 1784. At the election which followed, 160 of the majority which had defeated Mr Pitt in the House of Commons lost their seats, and the chief support of the Opposition was the nomination boroughs in the hands of the Whig families.

Pitt's own East India Bill was passed, and, under it, the Indian empire was held successfully down to our own time. It can scarcely be affirmed that the scenes which marked the later end of its existence, sixty-five years after Fox was supposed to sing—

> "When first I coalesced with North,
> And brought my Indian bantling forth,"

were a partial fulfilment of Thomas Erskine's prophecy, when he said in the House of Commons that this Bill would "deluge this country with profligacy and venality of every kind; that it would lead to the oppression and misery of the inhabitants of *Indostan*, till they would rise and shake off our yoke."[2]

[1] Sir George Cornewall Lewis.

[2] Closely connected with these discussions is the ill-omened phrase "*Perish India*," the history of which has itself been discussed from time to time; notably some two years ago, or more. One writer held that the origin of the objectionable phrase was due to the words of Robespierre, "Périssent les colonies plutôt

The Whig party, as is well known, did not regain the ascendancy, except for a few months after the death of Mr Pitt, during the next fifty years.

It was during the discussion of the East India Bill that Thomas Erskine made his first speech in Parliament, but with little of the success which his former career as a debater had led his admirers to expect. His speech, indeed, was considered a wonderful achievement by those who had not before heard him, but was disappointing to those who knew of what he was capable in his own proper sphere.

Mr Erskine, when he heard of his brother's partial failure, merely remarked (foreshadowing a thought of our Poet-Laureate's in making essay of an unwonted task)[1] that "Thomas Erskine was like a horse treading on ice, conscious of his powers, but afraid to put them out." He never had any doubt of his brother's final success, and the opinion was justified by the figure the young member of Parliament made in the further stages of the Bill.

Various reasons are given for the want of confidence shown by Thomas Erskine upon the occasion of his first address to the House. It is partly explained (at least it is so alleged) by a very graphic, but perhaps somewhat exaggerated, account given in Croly's *Life of George IV.* of the contemptuous

que la justice." Lord Houghton's explanation was that the expression was in reality made use of by Pitt himself, who added, however, the words "rather than the British Constitution." It would appear that there is no direct report of these words in any of his speeches as published; but the sentiment is conveyed in what he said on the second reading of the East India Bill, Jan. 3, 1784, "Compared to these things, the very loss of India, sir—nay, the loss of every dependency of this country—were light and trifling." The India of that day, as Lord Houghton remarked, was regarded as a successful adventure rather than as an integral part of the British empire.

[1] . . . "Careful of my motion,
Like the skater on ice that hardly bears him,
Lest I fall unawares before the people,
Waking laughter in indolent reviewers."
—Experiment in *Hendecasyllabics.*

demeanour, whether studied or not, of Mr Pitt during the delivery of the speech. The scene is thus described: "Pitt, evidently intending to reply, sat with pen and paper in his hand, prepared to catch the arguments of this formidable adversary. He wrote a word or two; Erskine proceeded; but, with every additional sentence, Pitt's attention to the paper relaxed, his look became more careless, and he obviously began to think the orator less and less worthy of his attention. At length, while every eye in the House was fixed upon him, with a contemptuous smile he dashed the pen through the paper, and flung them both on the floor. Erskine never recovered from this expression of disdain; his voice faltered, he struggled through the remainder of his speech, and sank into his seat dispirited and shorn of his fame."

Whether this were the cause of Mr Erskine's very moderate amount of success upon this occasion or not, it is certain that he ever dreaded the sarcasm, the lofty tone, and the cutting irony of Mr Pitt.

At a dinner given by Mr Dundas at Wimbledon, Addington, Sheridan, and Erskine being present, the last was rallied upon his not taking so prominent a position in the debates in Parliament as his high talents and reputation entitled him to assume, when Sheridan said, "I'll tell you how it happens, Erskine; you are afraid of Pitt, and that is the flabby part of your character."[1]

Sir Thomas Dundas in the following letter briefly alludes to Mr Erskine's first parliamentary speech. This and other letters here given appear to have been chiefly sent by messenger. They often consist of merely a few lines. The series indicates distinctly the course of events in London, and not infrequently, by inference or allusion, what was going on in Edinburgh, as well as the remarkable organisation by which the Whig party were enabled to show a goodly front in Parliament, in large measure through Mr Erskine's efforts, while

[1] Pellew's *Memoirs of Lord Sidmouth.*

the great body of the people took the side of the King and the Ministers of his choice.

At an early stage of the Coalition's existence, Henry Erskine was appointed to the office of *Advocate* and *State Counsellor* to the Prince of Wales[1] on his Royal Highness's establishment as Great Steward of Scotland, Sir Thomas Dundas being also one of those Counsellors of State.

Sir Thomas Dundas to Mr Erskine.

"ARLINGTON STREET, 21*st Novem*r. 1783.

"MY DEAR HARRY,—I arrived in town on Tuesday even^g. just time enough to be too late for Fox's speech in the House on proposing the East India Bills. He presented them yesterday, and moved for the 2^d reading next Thursday. Pitt, who on Tuesday moved for a Call of the House for that day fortnight, and who most violently threatened vengeance if we did not put off the 2^d reading to the day of his call, when we came to the question last night did not dare to stand a division. Your brother in an excellent speech made his first show in Parliament.

"As there is to be a Call of the H^o. on Tuesday, the 2d of Decem^r., pray let all members within your reach know—*who are of a right way of thinking.* Maitland pretends to say that Sir John Henderson is in Opposition. Is there any foundation for such a suspicion?

"I was two hours and a half with the Duke of Portland yesterday. He is very much pleased with every part of our conduct. We had so much to say, and upon so many different subjects, that our conversation was a sort of general review of everything, so much that I can not recollect any particular circumstance more striking than another to mention to you, except that of your coming into Parliament, which we dis-

[1] It is in reference to this circumstance that Kay has ornamented Mr Erskine's portrait with the Prince of Wales's feathers.

cussed very minutely; and Adam is employed to settle matters with Sir James,[1] who is so very extravagant in his demands, that we are at present at a wide distance. You shall hear what progress we make in the course of two or three days.

"Some person (I have forgot who) has recommended Lord Traquair to the Duke for a pension. Is he a proper or a very pressing object?

"Since writing the above I have been with Charles Fox. He and the other members of Administration are very anxious to have every person *we can depend upon* up; therefore a King's messenger is to be this moment dispatch'd with applications to everybody to be here on Thursday next, the 27th, if possible, as a material question upon the E. India Bill will certainly come on that day. I am therefore desired to beg that you will forward all the letters which come by this messenger in the most expeditious manner, and that you will write pressingly to those with whom you have influence.

"I wish you could speak with Frank Charteris,[2] as he is a little difficult to manage.

"I leave it to you to judge who you can best send to, but pray leave out none *we can depend upon*.—Yours in great haste, THOS. DUNDAS."

No date.

"MY DEAR HARRY,—I have just time to inform you that we finished our Bill in the H^o. of Com^ns. this morning at ½ past 3, with a division of 208 to 102. It was this day carried to the Lords, and without any division ordered to be read a 2^d time on Monday next, when we expect the *great* debate—we shall carry it by a *great* majority in that House. It was supposed that Lord Mansfield and Lord Stormont would

[1] Probably Sir James St Clair Erskine.

[2] Eldest son of sixth Earl of Wemyss; on the family attainder being removed, in 1787, Francis Charteris became Lord Elcho.

oppose the Bill violently; but on the contrary, they are both to support it.

"Your exertion to send up the Scots Peers or their proxies is much admired and applauded. I assure you, without a joke, it has given great satisfaction." T. D."

"LONDON, 18*th Decem*r 1783.

"MY DEAR HARRY,—The confusion of the moment renders it totally impossible for me and unnecessary to you that I should look back to your letters, with intention to write you in answer to any of them. Looking back will do no good; we must now look forward, and look steadily, with great attention and determination. The India Bill was last night thrown out of the House of Lords. On the other hand, we carry'd two strong questions in the Commons by great majoritys—the one 155 to 80; the other, moved by your brother, 147 to 74. Notwithstanding these majorities, Lord Temple, Mr Pitt, and three others of the same party have this day been with the King, and have undertaken the management of the Government of this devoted country. Parliament will be dissolved on Saturday: it therefore becomes necessary that every well-wisher to the wellbeing and salvation of this Constitution should exert himself to the utmost in forming the new Parliament properly.

"I think these new Ministers are so little known in our country, that those who are known, although not Ministers, may still have some weight.

"Fox was with the King after Lord Temple and his friends came out, and H.M. said nothing to him out of the common road of business, which is rather extraordinary. However, there is little doubt of a dissolution.

"Report says Pitt is First Lord of the Treasury and Chancellor of the Exchequer, Lord Temple Secretary of State, &c., &c., &c.

"From the nicest calculations of those who know all the connections of this country, it is said with confidence that the new Administration will at the utmost gain twenty-four votes from amongst our friends, whatever they may lose in the jumble from their own, which will secure to us a large majority in the new Parliament.

"Speak to every friend, exert every move.

"THOS. DUNDAS.

"The Peers must think of a proper Constitutional list. I will send you ours. I am going to Fox's this moment on that subject."

"ARLINGTON STREET, 22*d Decem*r 1783.

"MY DEAR HARRY,—I lose not a moment to inform you of the very extraordinary event of this day.

"In the first place, the majority of the House of Commons, which is now the Opposition, with a generosity of sentiment and magnanimity peculiar to themselves, began the business of the day by *passing* the Land Tax; after which, the order of the day being to go into a Committee upon the state of the nation, Mr Willm Grenville (before the Speaker left the chair) inform'd the House that Lord Temple HAD RESIGNED.[1] We then went into Committee, and your brother, seconded by Colonel Fitzpatrick, moved an address to the King—a copy of which I send you inclosed. It needs no comment. In short, the disappointment, distraction, confusion, and (I had

[1] Lord Temple had been the medium for making the King's sentiments known regarding the Bill. "His Majesty allows Earl Temple to say, that whoever voted for the India Bill was not only not his friend, but would be considered by him as an enemy; and if these words were not strong enough, Earl Temple might use whatever words he deemed stronger and more to the purpose"—Wraxall's *Mems.*, iv. 557. When the outcry arose, Lord Temple took the responsibility upon himself and retired. So certain had the Opposition been of the success of their party, that Mr Adam, before the division which virtually settled the question, is reported to have used the words—"I wish I were as sure of the kingdom of heaven as I am of our carrying the Bill this evening."

almost said) shame of these our oponents, are not to be described. The address is to be carried to the King by the *whole House*, and will probably be received on Wednesday.

"There is an end of all allusions respecting a dissolution.

"His Majesty's present Administration consists of Mr William Pitt, Chancellor of the Exchequ^r., and the Earl Gower, President of the Council — no other person having as yet accepted, or *now* being likely to accept, of any office.

"In short the game is up with them.

"Fox says he hopes that you and Wight[1] have not wrote to resign your offices, and desires you may not think of doing so.

"For God sake publish the address in every paper, and also the account of the proceedings of the present glorious and unparaleled Ministry, that it may be proclaimed to the remotest corner of the country. I wish you may be able to make sense of this confused letter, for I am so hurried, and twenty people talking to me, that I hardly know what I am writing.—Yours faithfully, THOS. DUNDAS.

"Let Lords Elliock and Kennet know all."

"LONDON, 1*st January* 1784.

"MY DEAR HARRY,—I am delighted to find by yours of the 26th Decem^r. that my letters of the 22d, with the copy of the address, had a good effect. Believe me, the game is up with this still-born Administration. They begin to look upon it as all over themselves; and the K—— has lately used expressions which are not very promising in their favour, —such as, 'He had no wish to turn out the late Ministry;' and, 'These gentlemen have taken the Government upon them-

[1] Alexander Wight, advocate, afterwards one of the Counsellors of State to the Prince of Wales, was author of *Treatise on the Laws concerning the Election of Representatives sent to Parl.* (Edin., 1773), &c. He was the friend and boon companion of Andrew Crosbie.—See Chambers's *Traditions*.

selves—they have themselves to blame if they cannot carry it on.' All this looks very much like preparing for a change. . . . . Keep up your spirits, and do not let them crow too much on their supposed victory.

"You are mistaken with respect to Lord Stormont. No man can behave better. He resigned with the others, and is as steady as the *Bass*. The D. of Portland sent for me the other day in a great hurry to show me your letter of resignation before he sent it. For God sake send Frank Charteris up. We have lost but one member, and that is a Scots one, Sir J. Cock—n. Sir Robert Herries was thought to be off, but he is as firm as flint.

"Pray, where is Sir Robert Lawrie? I believe he is in Scotland. Set Sandy Fergusson[1] at him. We must not lose him, although the Duke of Queensberry is against us.

"I will send you soon a state of what we meant to have been our operations amongst the peers. I think we should not lose sight of it, as we must, if possible, damn a great number of the present 16; but it must be done with caution and confidence.—Best comp$^{ts.}$ of the season."

[1] Alexander Fergusson of Craigdarroch (head of an ancient family in Dumfriesshire), "so famous for wit, worth, and law," as Burns wrote, was one of the Counsellors of State on the Prince of Wales's Scotch establishment. But he is more celebrated for the triumph in compotation he achieved, in carrying off from his relatives, Sir Robert Laurie of Maxwelton, and Riddell of Glenriddell, the old Scandinavian "Whistle" preserved in the family of the latter. The struggle between the three kinsmen is described in a poem by Burns, the umpire specially invited to be present to record, in proper terms, the incidents of the contest, which took place at Friar's Carse on Friday the 16th October 1789.

Probably the only pictorial representation of this glorious victory is a poorly printed woodcut, but apparently by one of the Bewicks, or of their school, which illustrates a volume of local poems, dated Alnwick, 1809. This cut, a curiosity, has been admirably reproduced by the facile pen of Mr W. B. Hole, A.R.S.A. (see page 262). The hypercritical will assuredly take exception to the type of *Whistle*, in this picture, which the victor blows in triumph; it should not have been an instrument of the "penny" class, as here given, but "a small ebony whistle." This is not, however, a solitary instance of historical accuracy sacrificed for the sake of pictorial effect.

"LONDON, 3rd Febry. 1784.

"MY DEAR HARRY,—We are still victorious in the House. Our majority last night increased considerably. We were 223 to 204, and that upon a personal question. I will send you a newspaper where the whole is stated. The *Country Gentlemen* of the Congress at the St Alban's begin to be out of humour with Pitt, and what is of more consequence, they speak of the Duke of Portland in the highest terms. We shall probably have a motion in the House to-day for an address to the King to remove the present Ministers, which we shall certainly carry by a greater majority than we had last night. It is reported that there is an answer ready similar to that of C. 2d.[1] I will send you the letters you desire for Linlithgow in a day or two. It is still necessary to be as attentive to all the political arrangements as if we were certain of a dissolution. If anything happens in the House of Comns. to-night worthy your notice, and before the post goes, I will write you again.—Yours."

The Earl of Buchan to Mr Erskine.

"GREAT CUMBERLAND STREET, *5th Feb.* 1784.

"MY DEAR BROTHER,—Sir Wm. Cuninghame dined with me yesterday, from whom I received some good accounts of some of our interests in the North, where you may be interested, in case the mad measure of dissolution is adopted.

"It gives me great pleasure to find that your conduct has given so much satisfaction to your friends who were driven from the helm; and I have no sort of doubt that when they return to it again you will be amply rewarded for the honour-

[1] The allusion here is not quite obvious. It has, however, been very kindly suggested by a distinguished historian that the reference may possibly be to an incident recorded in the Parliamentary History; that in answer to an address to remove Lauderdale (May 10, 1678), Charles replied, on May 13: "This address is so extravagant, that I am not willing speedily to give the answer it deserves."

able and spirited attachment you have shown to those who did justice to your professional merit, and to the character you have merited in publick and private life. I need not assure you that it has afforded me great satisfaction, not only to hear you spoken of in terms of respect, but to give a testimony of the opinion I have conceived of your ability in the conduct of affairs committed to your superintendence.

"I kissed the King's hand at the *levée* on Wednesday the 28th, immediately before the city address was presented; but tho' there was so excellent a *linetus* to make me go down, I cannot say that I found my reception so gracious as formerly. I kissed the Queen's hand on Thursday: there was an immense crowd,—not fewer or less splendid than there was at the birthday. Her Majesty seem'd to dispose of her smiles in the Court Kalendar of the day.

"I attended for the first time in my life the 30th of January sermon at the Abbey. The conclusion of the bishop's discourse would have made a capital *peroratio* of a speech in the House of Lords.

"There was a ridiculous incident in the choice of the anthem for the occasion, in which, from the first chapter of the Lamentations of Jeremiah, there was this passage: 'I am in the midst of mine enemies. They have *called up an assembly against me to crush my young men.*' I pointed it out to the prebendary, Dr Finch, who sate in the next stall to me. *The anthem was changed.*

"I attended the debates in the House of Commons on the great day of Monday the 2d of Feb., the purification of the Virgin, when by the resolutions of an insulted House of Commons the Constitution was attempted to be purifyed from the stains of corruption. Fox, in his first speech, outdid himself; nothing could be greater, more eloquent, or more argumentative. The ground on which he stands is strong indeed, and if there is spirit enough in this country he will not be forced to desert it.

"Mr Pitt's appearance did not equal my expectations. There is a petulance in his manner, and a want of closeness in his matter, which leave him no more than the fascinating charm of eloquence, supported by an occasional energy of expression, which he seems to have inherited from his father.

"He is certainly, however, a very uncommon political phenomenon at his age; but much of his merit is imputed and derived from the prejudices conceived in his favour on account of his descent and high-flown professions, not yet belied by his having had the opportunity of becoming, like other Ministers in this country, odious on account of their participation in the publick measures which have lessened the power and the glory of this country.

"Lords Mansfield and Stormont made great appearances yesterday in the House of Lords. How we are to get out of this cursed business with safety to the country, I know not.

"The system of twenty years is now ripening, and about to be put to trial. I hope there is spirit enough to give us, by the blessing of God and the consciousness of a good cause, the deliverance which is necessary for the preservation of the State.

"Lady Buchan, Lady Bell Hamilton, and Mrs Gilbert desire their best compliments to you and to Mrs Erskine; and I ever am, my dear Harry, y$^{rs.}$ faithfully and affectionately,

"BUCHAN.

"Present me affectionately to Mrs Erskine and the infantry."

Sir Thomas Dundas to Mr Erskine.

"LONDON, 9*th Febry.* 1784.

"MY DEAR HARRY,—I have by this night's post wrote particularly to Provost Andrew at Linlithgow. I have told him that if he wishes for further information, he has only to make application to you, who are perfectly confidential with me in

everything. I hear it is immediately necessary to have the establishment of the Prince of Wales made out. I have not time to write you fully upon that subject to-night, but will do it to-morrow or Thursday. The present glorious Ministers begin to droop most piteously; their famous address from the H°. of Peers is turn'd into such ridicule, that they can not bear it. Lord North says it should have been sent to the Commons, that they might have unanimously joined in it, and it would have gone to the throne as a joint address of both Houses. Keep a good look-out in all quarters, because if it is possible (after the 25th of March) the K. will dissolve the Parl^t. Have you ever said anything to Honeyman about Orkney politics? We are perfectly safe there; therefore this may perhaps be a good opportunity to secure him.

"Sandy Fergusson has never sent me the state of the southern and western counties and boroughs, which he promised me."

"LONDON, *9th March* 1784.

"MY DEAR HARRY,—You will probably be much surprised when you hear that we carried the question of a representation to the King last night only by one vote. The numbers were 191 to 190. . . . We had many of our friends absent, which they knew must be the case, and therefore made the stronger exertions, and brought down the sick, the lame, and the blind. They thought they were sure of carrying the question by eight or ten, and we expected to lose it by four or five. Never were men so much disappointed as they were on finding we had a majority of *one*. The representation is perhaps the finest drawn paper that ever was wrote explanatory of the conduct of the House of Commons, and in answer to the King's answers to our addresses.

"Fox, Lord North, and those amongst us who know best, say that Ministers cannot dissolve Parliament untill the supplys are voted and the taxes passed. I must own I do not agree

with them in opinion, and I should not be much surprised if we were with other fools to be sent upon an errant in the beginning of April; it is, at all events, highly necessary to pay great attention to every place where we have the least hope of success. Pray what complexion do our political connections wear upon the whole? Do you think we gain ground or lose?

"You have never sent me Fergusson's account of the southern provinces. Murray of Broughton will do what we please, but he doubts if any of the candidates will be steady. Which is the best? I send you enclosed a pattern for drawing our address; get it published.—Yours."

Here follows another letter from the same writer, dated London, 18th February 1785, in which occurs the ominous sentence: "This is a moment of the most anxious expectation that perhaps ever occurred in this country." The cause of this alarm was the moving in Parliament of the "Irish Resolutions." The object of these Resolutions in the Irish Parliament was to place upon an equal footing the duties upon Irish manufactures as compared with those of Great Britain. The Navigation laws had forbidden Irish vessels to trade *direct* with any British colony: they must sail from a British port. Mr Orde's scheme included a plan by which, *in case of a surplus* accruing on the adoption of his propositions, it should go towards the maintenance of the British fleet which protected our commerce. The union with Ireland was still in the future. Mr Pitt inclined to make these concessions; which Lord North considered "out-did everything that the wildest imagination could suggest." A perfect flood of petitions set in from every manufacturing town in England, and from Paisley, Glasgow, Dunfermline, and every aggrieved town in Scotland,[1] in response to Mr Erskine's urgent representations.

If considerable space has been taken up with the politics of

[1] See *Scots Magazine*, February and April 1785.

this period, it is with the view of showing with what persevering energy Mr Erskine worked in the interests of his party, and the wonderful organisation by which that party was held together when everything seemed to be against them. The most ample credit was given to Mr Erskine for his unparalleled efforts, by the English leaders. The letters of the Duke of Portland at this time are very numerous, but withal so lengthy, prolix, and uninteresting, that it has been thought better to spare the reader the infliction of them. One letter of his Grace, however, contains a very remarkable expression, which conveys very distinctly the opinion of the ex-Prime Minister that the results of Mr Erskine's exertions extended far beyond the circle of local party politics, and that it was *the nation* that was likely to benefit by his labours.

This is the sentence alluded to:—

"I cannot sufficiently express to you my gratitude for your endeavours to preserve this country from utter destruction, when I declare to you that our salvation, if we obtain it, will be in a great measure owing to your exertions."

Again, on the eve of the "disgraceful dereliction by Mr Pitt" of the Irish Resolutions, his Grace writes:—

"LONDON, *Saturday*, 7 *May* 1785.
4 P.M.

"MY DEAR SIR,—The very extraordinary exertions you have made in opposition to Mr Pitt's intended transfer of the commerce of this kingdom and complete ruin of the landed interest, insure me the most favourable construction of the sentiments which such services must have occasioned in my mind, and therefore I shall not detain you with a repetition of my thanks. . . . PORTLAND."

For a moment Sir Thomas Dundas arrests the torrent of political letter-writing to offer condolence with Mr Erskine on the loss of his second-born son in Nov. 1784. Many such

kindly messages are sent to him from relatives and others. Amongst these, Lady Anne, his sister, expresses her sympathy, as well as that of the aged Lady Huntingdon, now drawing very near to her end, who refers to her former acquaintance with Henry Erskine when he was a youth at Bath.

This portion of Mr Erskine's correspondence contains likewise various instructions by the Prince of Wales, conveyed through Sir Thomas Dundas, regarding the composition of the Prince's establishment in Scotland. For instance, under date "House of Commons, 1st Dec. 1783,"—". . . You will prepare drafts for the warrants for all the appointments, according to the first report of the Prince of Wales's establishment (except the Writers to the Signet, which is not to exceed seven in number);" showing that this branch of the legal profession was also represented amongst the Prince's servants, though no mention of the fact has been found in any of the books of reference which have been consulted.

Further, in a postscript to one of his letters in 1785, Sir Thomas adds, "*All your letters and mine are opened in London.*" This may account for many of these being unsigned, though usually Dundas's letters seem to have been sent by messenger.

Occasionally the correspondence at this period is relieved by scraps of news—as when Sir T. Dundas describes how "Sheridan has had a compleat trimming both from the D. of P. and Fox, and promises to be more cautious in future; that cursed hobby-horse of his called *Wit* frequently runs away with him." Again, Sir Thomas would know, "What is all this noise in the papers about digging up the streets of the *Auld Toun?*"[1]

The Duke of Portland has been victimised, and writes: "Sir J. Dalrymple is so good as to send me some publication or letter *by almost every post:* they abound in much useful

[1] The levelling of the High Street, and the angry feelings which that scheme evoked, are discussed at great length in Kay's *Edinburgh Portraits.*

and important information.[1] I wish you would take an opportunity of expressing to him, in such terms as you think will be most pleasing to him, my sense of his attention to me, and merit with the publick."

At a somewhat later date much of the Duke of Portland's correspondence with Mr Erskine, usually dealing with the driest of party politics, is taken up with a subject in which his correspondent took the liveliest interest—namely, the freedom of election, and, as they phrased it, "the Independence of the Scottish Peerage." There seems to be evidence that the efforts of Mr Erskine and others in this direction were not without results, in the fact that at the period alluded to—that is, during the excited contest in the matter of the Regency Bill—when the question came to the vote, *six* of the Scottish peers were with the Government, and *seven* on the other side.[2]

It would have been satisfactory could Mr Erskine's replies to the numerous letters of this period have been given. His answers to the many letters of the Duke of Portland which remain, would doubtless have afforded an interesting view of public feeling in Scotland; but though replies must have been written, none have been found. Lady Ossington, the granddaughter of the Duke of Portland, with exceeding courtesy made search amongst the MSS. in her charge, but could find no trace of any of Henry Erskine's letters. A distinct loss to the history of this eventful period is indicated in a sentence which Lady Ossington has written: "December 1880.—A great many years ago, when application was

[1] One of the many projects of Sir John Dalrymple is thus described in the old *Scots Magazine*: "Sir John Dalrymple (in the true spirit of patriotism) has appointed servants to teach any person the method of making soap from herrings *gratis*. The soap is made without any mixture of tallow or oil. . . . Candles will be cheaper when tallow is not used in soap. It will wash with cold water, hard water, or sea-water—a circumstance of great importance to seamen. Sir John has also discovered a method of taking away the bad smell from fish soap."

[2] See *Life of George IV.*, by Percy Fitzgerald, 1881.

made to the late Duke of Portland for his consent to an investigation of some of these letters, he found on inquiry from his father's valet that my father had destroyed whole basketsful of letters to *his* father, from about the year 1790 till his death in 1809: there is very little doubt that the Lord Advocate of Scotland's letters shared this fate."

Inquiry obligingly undertaken by the present Earl of Zetland regarding the correspondence of his "forebear," Sir Thomas Dundas, had no better results.



CHAPTER X.

DEAN OF FACULTY — LETTERS — SIGNOR LUNARDI — EDINBURGH DISPENSARY — DRYBURGH ABBEY — MRS SIDDONS — NEW TOWN — BURNS AND HENRY ERSKINE — DUCHESS OF GORDON — STORIES — COUNTESS OF GLENCAIRN — MRS MARIA RIDDELL AND *METRICAL MISCELLANY*.

At the end of the year 1785 Mr Erskine had the satisfaction of being elected Dean of the Faculty of Advocates—an honour held in the highest estimation by every lawyer,[1] as well it may be; for few distinctions can be considered more valuable than one such as this is, conferred on a man by the voice of his fellows.

The qualifications for the post of Dean of Faculty are understood to be acknowledged eminence in the profession, conjoined with seniority. These are, or should be, held to be paramount—and in good times, no doubt, are so considered; but it is to be feared that political feeling, which in theory has no place in such an election, is sometimes allowed to enter. At all events, such was the state of things at the election in December 1785. It could hardly have been otherwise in the condition in which the country then was with regard to party feeling. For the Deanship the con-

[1] So highly did Francis Jeffrey value this purely honorary office, that strong as was his affection for his offspring, the *Edinburgh Review*, he thought that if he were *sure* of being made Dean by announcing that he had given it up, he could do it at once.—See *Life of Jeffrey*.

test was keen, and the result can only be considered as highly creditable to Mr Erskine—affording as it does evidence of the opinion of his learned brethren of all classes regarding him, and this at a juncture when, as shown by the elections of the preceding year, Tory feeling was strongly in the ascendant.

Mr Erskine's theory was that such an honour as election to the office of Dean was one which no advocate, however eminent, should presume to think was his due, or should expect to have conferred upon him *unasked for*. With this idea he did not think that he in any degree descended from a position of dignity by asking those whom he thought well disposed towards himself to support his candidature. A characteristic reply to such an application, written by Sir Robert Anstruther of Balcaskie, is here given, as well as one or two other letters on his appointment:—

"BALCASKIE, 16*th Dec*r. 1785.

"MY DEAR HARRY,—There is one member of the Faculty only, Lord Dalhoussie, who would have a prior claim upon my vote and *interest* were he to stand against you, and as he is not likely to be your rival, I think you may depend on me if necessary. At same time, bad weather, worse roads, thirty-one years being of the Faculty, and the *Jus bis trium Liberorum*, give me a good claim to an exemption from duty unless it be *really necessary*, in which case I shall certainly wave all my priviledges and attend your call. Write me, then, if I must come over. *N.B.*—I lost nine elections last year, which is no good omen for the side I join.

"How you, an old married fellow, should still be such a favourite among the girls, is somewhat mysterious; but the moment I mentioned your being a candidate, there was not one dissenting voice among my daughters from your being elected, so that family peace joins with friendship to secure me.

"ROB. ANSTRUTHER."

"UPLEATHAM, 30*th Decem*r. 1785.

"MY DEAR DEAN OF FACULTY,— . . . "I rejoice and am exceeding glad at your victory—and a great victory it appears to me to be, because your oponents certainly stirr'd heaven and earth, with all the hellish powers of administration, to defeat you and the cause of freedom at the Scots Bar. You have now, thank God, got the command over our enemies, and I know you will make a good use of it. Pray, will not all these meetings upon the Judges Bill, and distilling, brew into something? . . . TH. DUNDAS."

Mr Hamilton writes from Bargany on 2d January 1786:—

"I had the pleasure to receive yours of 27th Decem^{r}, and if you had wrote to me to come to town to give my vote for your being elected Dean of Faculty, I woud certainly have obeyd your summonds. The election has turnd out entirely to my wishes, and I most sincerely wish you joy; and may this honour conferd by your brethren be followd by others equal to your abilitys and merit, is the sincere wish of . . .

"JOHN HAMILTON."[1]

[1] Mr John Hamilton of Bargany was "a stanch supporter of the honour and credit of his native district of Carrick." The Laird of Logan is recorded to have taken advantage of this innocent peculiarity on one occasion to take some amusement out of Mr Hamilton. At the examination of a prisoner named Mossman, suspected of theft, brought before Mr Montgomerie and several justices of the peace, including Mr Hamilton, the Laird is said to have offered the following reasons for considering that the prisoner was a thief, and issuing a warrant for imprisonment: 1°, Because the prisoner had been found on the king's highway without cause; 2°, Because he had "wan'er'd in his discourse;" and 3°, Because he belonged to Carrick! The last reason, when assigned, had the desired effect upon Mr Hamilton. It was, however, no joking matter for the prisoner. For the trifling theft with which he was charged, Mossman, it is said, suffered the last penalty of the law on the 20th May 1785.—Kay's *Portraits*, ii. 128.

In 1785 Signor Vincent Lunardi, Secretary to the Neapolitan Embassy, and, as he described himself, "the first ærial traveller in an English atmosphere," made his appearance in Edinburgh. In his letters from Scotland, which were published, he writes thus: "I am happy in the acquaintance of the Hon. Henry Erskine, Sir Wiliam Forbes, and Major Fraser." It is related that while Lunardi's vehicle was being exhibited at the Parliament Close, with characteristic kindness Mr Erskine was able to direct the adventurer to an artisan who gave him valuable assistance, when he was like to have been deserted by the workmen whom he had engaged to fill his balloon.

His ascent was a great success, and caused the greatest excitement throughout the country. "He went off," as an eyewitness described, "in the grandest style, precisely like a sky-rocket;" and after passing Inchkeith, and through clouds of snow, at a height of some three miles above North Berwick, finally landed near Cupar, in Fife.

Mrs Durham of Largo writes as follows on the 6th October 1785:—

". . . I had the pleasure of seeing Mr Linardy on Wednesday, the 5 of October, make a most beautyfull and most successfull aiæriall voyage, and he landed within a few miles of this place. . . . He took an oblique course across the river of Forth in a N.N.E. direction, and came upon the land directly over the house of Wemyss, which is 14½ miles of water. While above the water the balloon continued very low, which he cannot account for unless by some attraction in the sea. . . . He flew 8 miles to a place called Craighall, when he called to some reapers throw a speaking-trumpet, who, taking it for the last trumpet, or the divell come in person to carry them away, ran off and left the balloon in a sort of floating undulating state, surrounded by a number of crows, of which that neighbourhood abounds. About a mile

farther a stout and adventurous farmer, who had read the newspapers, catched hold of the rope and anchor, and with some difficulty fixed it, and relieved our poor [*illegible*] adventurer from his carr, and from the danger of blowing about 4 miles further, where the river Tay falls into the ocean, of which hazard he was so much affraid, that he eagerly kiss'd this good farmer and his assistants, and, letting out his remaining gas, got to a minister's house at Ceres, where he still seemed like one drunk, tho' he had not tried his Madeira nor the refreshments he had in the carr. . . . What surprized and terriffied the villagers was that the poultry, and in particular the ducks, all made a noise, and seemed to be conscious of suprize."[1]

No honour was too great for the young, handsome, and successful voyager, "Lunardi whom the ladies love," as he had the effrontery to describe himself. "Your *Highness*" and "King of the Air" they styled him. Church bells were rung; the freedom of burghs was conferred upon him. He was invited to St Andrews by "the club of gentlemen golfers;" and, highest honour of all, by diploma, the honour of knighthood of the Beggar's Benison was bestowed upon him, as on one who had carried his *jinks* to a height unheard of yet in prose or rhyme. On his return to Edinburgh he is recorded to have entertained some of the more lively spirits of the "Chro Callan Fencibles," at "Daunie Douglas's" tavern in the Anchor Close—the special resort of lawyers—with the relation of his experiences with the Benison. Their favourite chant, already mentioned, he brought to the notice of the "Fencibles."[2] It is not unlikely that it was Mr Erskine who presented Lunardi to this Society, as he did in the case of Burns the following year; and it would seem not improbable that it was thus that Burns was induced to take up the old form and refrain of Pitmilly's chant, and, using it as a *cadre*, fit into it the figure of Captain Grose.

[1] Polton MS. [2] Conf. *A Winter in Edinburgh with Burns in* 1786.

It was in compliment to the gay and gallant young voyager, and the triumphs achieved by "the powers of chymistry and the fortitude of man," that Scottish ladies adopted what were called "Lunardi" bonnets. These were for a time the extreme of fashion. They were appropriately constructed of gauze, or thin muslin, extended on wire, the upper part expanding into the dimensions of a miniature balloon. Burns has immortalised this article of dress, and the self-sufficient young traveller, in a single line—

"But Miss's fine *Lunardi!* fie!"

So that his name has been carried to every corner of the world—that is to say, wherever Scotchmen are to be found—a result which he could not have achieved for himself by a hundred successful flights.[1]

In the year 1786 the Earl of Buchan succeeded in buying back a small part of the lands which had of old belonged to his ancestors — namely, the small estate of Dryburgh, with the ruined Abbey, and mansion-house, which had been built in 1572 by George Haliburton of Merton. It had been the fate of this fine old place to be passed from hand to hand in a manner both curious and sad, until it at last returned to the Erskine family. The Abbey had been sold in 1682 to Sir Patrick Scott of Ancrum, from whom it was purchased by Thomas Haliburton of Newmains, advocate, the ancestor of Sir Walter Scott. The Haliburtons sold it to a Colonel Tod, from whose heirs the Earl of Buchan bought it at the period mentioned.

Lord Buchan took great pride in this pretty and most interesting spot. There is a curious letter of his addressed to King

[1] In the *Account of the first Aerial Voyage*, 1784, there is a beautiful portrait of the voyager by Bartolozzi, most artistically executed, and very different from the somewhat flat work of Kay, who also represents him. *Five Aerial Voyages in Scotland*, now very scarce, was issued by Sig. Lunardi in 1786.

George III., in which he informs his Majesty of his purchase, which he describes thus :—

May 19th, 1786.

". . . I am about to retire to a little place on the banks of the Tweed, which, with much ado, I have purchased from the wrecks of my family. This is Dryburgh Abbey, of which I shall hereafter do myself the honour to send your Majesty some drawings.

"My estate is inadequate to my making a Strawberry-hill of this retreat, and therefore, from past experience, I may guess that I shall not have it in my power to do more than philosophise and take care of the *res angusta domi*. Nevertheless, I hope sometimes to be able to communicate what may be agreeable to your Majesty on literary subjects."

Here for half a century he established himself, and hospitably received all who were like-minded with himself. Having no children of his own, his natural kindness, and that of Lady Buchan, was lavishly expended upon those of his brother Henry. To the young Henry David especially (to whom it appeared that the titles and all the lands of the family would probably descend) Lady Buchan was most devoted in her affection. The young heir, as a child, was somewhat puny and delicate; on this account Lady Buchan would take him down to the Tweed, which runs hard by the house, and herself bathe the child, in the hope of adding strength to his constitution.

In after years young Henry Brougham was a great favourite and a constant visitor to the Earl at Dryburgh. His nephew, Lord Buchan, writes: "He [Brougham] was very young when he came to Dryburgh. My sister Henrietta, who was something of a kindred spirit, delighted in his visits. There was no end to their romps and fun. The orchard there is full of *gien* trees (a kind of small black cherry), and Henry Brougham used to climb into them, and throw the fruit down to my

sister: she was so fond of it that he used to call her *Duchess of Giens.* She in return used to make fun of a little pig-tail that he wore—not the most convenient *coiffure* for the middle of a cherry-tree."

The kindly nature and zealous activity of Mr Erskine in a good cause are nowhere more clearly seen than in the useful, but comparatively commonplace, sphere of manager of a public charity. His friend Dr Andrew Duncan, so far back as 1776-77, laid before the public of Edinburgh a plan for a public Dispensary, of which he was ultimately the founder. From the first the sympathies of Mr Erskine and others of his friends were enlisted in this scheme. Mr Erskine sat as President at the first recorded meeting of the subscribers to the charity, on 22d May 1778; and, as a survey of the minute-book shows, from that time till very nearly the date of his retirement from public life, with the exception of those periods in his career when his time must have been fully occupied with the duties of Lord Advocate, there were very few meetings at which he was not present. Usually he sat as chairman, and applied to the business before him the sound judgment and practical common-sense for which he was remarkable. Of this there is evidence.

It is indeed somewhat amusing to notice in the early records of this excellent institution—which have been courteously lent for inspection—how skilful the managers were to utilise the peculiar talents they found in their President. When the foundation-stone of the Edinburgh Dispensary was laid in 1780, it was Henry Erskine that they got to lay it. Amongst the valuables deposited, according to custom, in the foundation of the building, there is a medal the reverse of which bears the following appropriate lines, probably selected by Mr Erskine—the minute-book shows corrections in his hand—as suitable to the occasion:—

> "In Faith and Hope the world will disagree,
> But all mankind's concern is *Charity.*

> All must be false that thwarts this one great end,
> And all of God that bless mankind, or *mend*."[1]

Whether it was the vestry of the Episcopal Chapel in the Cowgate that had to be asked for a charity sermon, or the manager of the theatre for a "benefit play," it was invariably Mr Erskine's persuasive grace that was called into requisition. Many a "*fifive pounds to the ffunds* of the institution," as they quaintly record it, his smooth tongue seems to have enticed into the treasury.

So successful was Mr Erskine, apparently, in the matter of these "benefit plays," that it seems to have become a standing order at the general meetings to intrust to Mr Erskine the duty of preparing the annual notice to the public, and "to recommend to the Honble. Mr Erskine, and the other members of the Committee for the play, to take an early opportunity of conversing with Mr Jackson on that subject."

Mr Jackson's was the best known name in the theatrical world at this time, and he is said, after many losses, to have made a fortune.

To such good purpose did this committee work upon the charitable feelings of Mr Jackson in regard to "benefit plays," that at a general meeting at the Dispensary in 1782 it was agreed unanimously to thank him, and to "mark him as a governor for life."

Another entry in this minute-book is to the effect that "It was unanimously agreed that a portrait of Mr Erskine, presented to the Dispensary by Mr Walter Weir, limner, should be hung in the hall, and that the thanks of the contributors should be returned to Mr Weir for this donation" (7th July 1782.) Little, it is believed, is known regarding Walter Weir, further than that he painted this picture, which has got for him the reputation of having been "an able artist."

The mention of Mr Jackson recalls other theatrical matters

[1] Pope's *Essay on Man.*

in which Mr Erskine interested himself. When it is remembered how, on one occasion, a meeting of the General Assembly was adjourned in order to allow the members an opportunity of seeing the performance of Mrs Siddons at the Theatre Royal, there is less surprise felt that an active and zealous ruling elder such as Mr Erskine was, should have given some attention to theatrical matters. "The melancholy but notour facts" connected with the first representation of *Douglas* (some thirty years before), as well as the expostulations of divers presbyteries, had been, by this time, got over. In the year 1788 Mrs Siddons repeated her visit to Edinburgh at the invitation of Mr Jackson. In order that she should be suitably supported, the manager likewise got Mr Fennell, a talented young actor, to come down from London. At that time the favourite play was the fine old piece, *Venice Preserved*, in which Mrs Siddons took the part of "Belvidera." The parts of "Jaffier" and "Pierre" in that play,[1] Mr Jackson says, were considered so nearly equal in importance, that he had seen Garrick and Barry take the parts alternately without the slightest jealousy. But there seems to have been in Edinburgh a curious tradition in such matters. Mr Woods, the local actor, had invariably appeared as "Jaffier;" so the public would not tolerate any unknown actor in the part, not even, as in this case, where the stranger had agreed to an exchange to suit the comfort of the Edinburgh actor.

This inconvenient practice, Mr Jackson states, had run to such excess, that, in a provincial theatre where he and his company were playing, *Hamlet* never could be given, not from lack of actors, but because there were in the company *six Princes of Denmark*, actors who, having once "touched" the part of "Hamlet," never could condescend to "Polonius," or

[1] It was customary in the middle of the last century for young men to correspond with each other under the names of "Jaffier" and "Pierre." A letter is before me, written by an officer, apparently one of the Calderwood family, and signed "Jaffier," addressed to "Pierre," an officer in another regiment.

"Horatio," far less to "the Ghost." This awkward custom was intensified, it appears, in Edinburgh, by the fact that certain actors who went much into society got their friends to identify them with certain prominent parts, in which they would receive no other actor. Thus, when it was announced that Mr Fennell would take the part of "Jaffier," Mr Jackson was flatly told that the play would not be allowed to go on. Mr Fennell, a man of some spirit, attempted to persist, and used some strong language, which led to a fracas in the theatre. No explanation from Mr Jackson would be listened to.

Then followed a curious document, addressed to the manager, in which the writer was plain with him, stating that his conduct required a very ample apology, as did Mr Fennell's deportment to the public, and that unless these demands were complied with, or Mr Fennell dismissed, "neither we nor our friends will hereafter frequent your theatre—except that, from our high regard for Mrs Siddons, we shall postpone executing our resolution till her engagement expires."

This remarkable manifesto is signed "Henry Erskine—and 162 other advocates and writers." Mr Fennell would make no apology, so was *withdrawn*. Mr Jackson says it was ruin to him.[1]

It was not the power of her acting only that drew the hearts of all persons to Mrs Siddons. There was no class which did not feel the witchery of her presence! In all probability it was the persuasion of their Dean that induced the Faculty of Advocates to present the "admirable Mrs Siddons" with a "massive silver tea-tray," as a token of their appreciation of "her many virtues, as much as in gratitude for the pleasure she had afforded them"—a piece of extravagance into which they have probably never been again betrayed.

It was an admiration equally heartfelt that caused the poor servant-girl, who on her way to the market passed the actress in conversation with a friend, to drop her basket and ex-

[1] *History of the Scottish Stage* (pp. 159-171), by John Jackson, Esq., 1793.

claim—"Eh, sirs, weel do I ken the sweet voice" (*vice*, she probably called it, in the dulcet dialect of the capital) "that garr'd me greet sae sair yestreen!"

Mr Jackson had still further reason to quote the saying of Garrick, that "the plagues of management in one year are sufficient to expiate a whole life of sin."

In 1791 an agreement was entered into between Stephen Kemble and Jackson to lease the Edinburgh and Glasgow theatres for a year. They fell out. When theatrical people quarrel, they invariably quarrel in a theatrical manner. There was no exception in this case. In the progress of the misunderstanding, there was no lack of telling situations and smart dialogue. The matter was referred to the Dean of Faculty, as a fit person to arbitrate. After much study of the case, he issued a *Decreet-arbitral*, which seems to have given scant satisfaction to anybody concerned, least of all to Jackson. If it, indeed, be a proof of a good decision that the arbiter, or judge, should be able to satisfy the unsuccessful party that his case has been minutely considered and fairly dealt with, Mr Erskine's judgment in this instance was not an absolute success. In his book the unhappy manager picks the *Decreet* to pieces, taking it head by head—the quarrel, and attendant discussion, occupying upwards of one hundred pages of the *History of the Scottish Stage*.

Lord Buchan writes thus of his father: "He was very fond of the theatre. When Mrs Siddons came to Edinburgh she was invited to Ammondell.[1] I was then passionately fond of acting. Especially I took delight in the play of *Douglas*. The part of the hero was then suitable to my age. I was so bold as to recite some of the part to Mrs Siddons. She was so good as to offer, that if I would act it with her she would

[1] This was probably in the year rendered memorable by the appearance in Edinburgh of *Marmion*, and the Queen of Tragedy; when the fastidious Charles Kirkpatrick Sharpe was irritated by her too keen enjoyment of boiled beef and porter, and her copious use of snuff.—See *Mem. and Etchings*.

remain a little longer in Edinburgh on that account. It was a high honour; but I had not courage for such an undertaking, though I believe my father would not have objected to it. Mrs Siddons was a transcendant creature—eye and voice had expression and power which I have never seen approached. I was charmed with her condescension in calling me 'young Henry,' for she was never anything but a Tragedy Queen; yet in this there was no vestige of affectation. She must have been the same in her infancy. She would call to our servant, 'Some claret, boy,' just as she might have done on the stage."

Amongst the Edinburgh actors whom Mr Erskine especially patronised, continues his son, were "the Johnstones, at one time very popular with the Edinburgh public." It would have been hard indeed had they met with no countenance from Mr Erskine.

Henry Johnstone the actor was born in 1774; his father was for many years keeper of an oyster-tavern in Shakespeare Square, behind the old Theatre Royal, where now the General Post Office stands. The original occupation of this worthy man had been that of a barber. His shop in the High Street was, from its proximity to the Parliament House, the favourite resort of the long-robed gentlemen.

One morning while operating as usual upon the chin of Mr Erskine, a messenger arrived in hot haste to announce to Mr Johnstone that his wife had presented him with a son. In compliment to his already distinguished customer, and in memory of this incident, the barber named his child, the future actor, *Henry Erskine* Johnstone.

It is believed to have been on one of the nights when Mrs Siddons played in the Edinburgh Theatre, Henry Erskine being present, that a disturbance took place in the overcrowded pit. The uproar seemed to be kept up chiefly by an individual in that part of the house, who, in spite of every sort of argument, would not sit down. When the annoyance threatened to be-

come unbearable, Mr Erskine came to the front of his box, and very quietly said—

"Pray excuse the gentleman: don't you see it is *only a tailor resting himself!*" The effect was magical.

Long before Mr Erskine thought that he himself should one day occupy the dignified office of Dean, he was prevailed upon to write, for a special occasion, a piece of verse strictly professional; it is entitled: *A Song intended to have been sung between the Acts of a Play, acted by particular desire of the Dean and Faculty of Advocates, in character of a Lawyer.* The following verses may suffice as a sample:—

"Tho' partial, I'll give you a representation
Of the good and the ill we bestow on the nation.
Our use is so certain, there is no denyin't,
If any one doubts it, he ne'er was a *client.*

Although with our virtues, some faults may *conjoin*,
The *process* is *short* that can make us repine;
For whoe'er be the judge that decides on our blame,
If he gives it against us we're sure to *reclaim.*[1]

. . . . . .

To other professions old age is a ruin,
Unfits them for *action*, is a certain undoing;
We scorn to conceal it like old maids and beaux;
A lawyer's the better the older he grows.

All mankind besides live in terror of death,
And with fear and unwillingness yield their last breath;
But a lawyer is happy, by labour hard toil'd,
When his *suit's* at an end and he's fairly *assoil'd.*[2]

On the whole we submit to your righteous *decision*,
Having stated the law and the fact with precision;
And we crave that in *ranking* professions you'll find,
If not *pari passu*, we're not far behind."[3]

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[1] *I.e.*, to appeal. [2] "Assoilzie," to acquit.

[3] MS. volume, and *Court of Session Garland.*

From George Square Mr Erskine removed to Princes Street, when that locality came into fashion. About the year 1786 he occupied the house then numbered 53. It was still his custom, as with many other lawyers, to take his walk in the Meadows after the rising of the Courts. In these walks he was very frequently accompanied by Claude Boswell, who afterwards became a judge, with the designation of Lord Balmuto, in succession to Lord Braxfield. He was a large powerful man, and heavy. It was said that he owed his promotion to the bench, in some measure, to his gallant conduct in seizing a standard, which was being carried in front of a disorderly mob of would-be *Republicans*, whom he met on the North Bridge. After a fierce struggle, in which he was roughly handled, he succeeded in hurling their flag over the parapet of the bridge.

Two men more unlikely to find communion of idea it would be hard to imagine than Mr Erskine and Lord Balmuto. But his lordship had an intense admiration for his companion's humour and conversation, though not always able *at the moment* to appreciate their beauties. One of the best-known stories of Mr Erskine, without which no sketch of him would be complete, refers to an occasion when, after a long and silent walk by the side of his friend, Lord Balmuto burst into a roar of laughter, exclaiming: "I hae ye noo, Hairy! I hae ye noo!" The meaning of one of Mr Erskine's good things uttered in Court that morning had just dawned upon him; and he did not easily get over his delight, but continued to chuckle and murmur, at intervals, "I hae ye noo"—all the way home.

Undoubtedly it is a high satisfaction to a man of humour to give pleasure to his hearer. The sympathy which ensues is the chief delight. Now it must be of importance that this mutual satisfaction should be as lasting as may be. Therefore, it is submitted, it is extremely doubtful if your quick wit, who sees the full drift of a joke ere it be half uttered, and smiles, and lets it go, has anything like the delight of a man of

Claude Boswell's slower nature, or is as satisfactory or sympathetic an auditor. Perhaps Henry Erskine had some such idea as this.[1]

While living in George Square, amongst his neighbours had been the Duchess of Gordon and the Countess of Sutherland. On the removal of her Grace to the more fashionable New Town, Mr Erskine is said to have made one of his most gallant speeches to the Duchess. Her Grace had said to her friend that she regretted having to leave the house which had been her home so long, but that really the Old Town was intolerably dull. On which Mr Erskine is said to have replied: "Madam, that is as if the sun were to say, 'It seems vastly dull weather, —I think I shall not rise this morning.'"

This is one of the incidents which have been told as occurring in England: *there* it is narrated of Fox and the Duchess of Devonshire. It is left to the curious in such matters to establish the correct version of the tale.

It was by no means certain at first that the scheme of a new town would succeed; the evidence of this is stronger than is commonly known. The disaster to the Bridge, when part

[1] The following little bit from the *Analecta* seems to bear out what has been suggested. Mr James Durham, brother of Sir Alexander Durham of Largo, was a notable minister of Glasgow. After having served as an officer of dragoons, he married the widow of the Reverend (and *irreverent*, as it was the custom at one time to think) Zachary Boyd; and was also remarkable as being one of the compilers of *The Sum of Saving Knowledge*, usually to be found bound up with the *Confession of Faith* and *Larger Catechism*. ". . . *It was much made him* [Mr Durham] *smile*. In some gentleman's house, Mr William Guthry and he wer togeither at dinner; and Mr Guthry was exceeding merry, and made Mr Durham smile, yea, laugh out, with his pleasant facetiouse conversation. It was the ordinary of the family to pray after dinner, and immediately after their mirth it's put upon Mr Guthry to pray; and, as he was wont, he fell immediately to the greatest measure of seriousness and fervency, to the astonishment and moving of all present. When they rose from prayer, Mr Durham came to him and embraced him, and said: 'O Will, you are a happy man! If I had been sae daft as you have been, I could not have been seriouse, nor in any frame for forty-eight hours.'"—Vol. ii. p. 140.

of it fell just as the work was almost completed, told against the undertaking. So anxious were the city authorities to get the new district colonised, that, as shown by the Town records, extraordinary inducements were held out to enterprising settlers. Feus at the northern end of the bridge were not only given off for next to nothing, but, in practice, for considerably less than nothing,—that is to say, the first feuars not only had a mere nominal feu-duty to pay, but certain of the Town dues were entirely remitted in their case: if only they would build, the ground was to be had for the asking.[1]

The year 1786 is memorable as that in which Robert Burns made his *début* in Edinburgh, an event closely connected with more than one member of the Erskine family.

Lady Isabella, sister of Henry Erskine, and the youngest child of the tenth earl, had married, in January 1770, at Tunbridge Wells, Mr William Leslie Hamilton, barrister-at-law. With her husband "Lady Bell Hamilton" went to the West Indies, where he held the offices of Solicitor- and Attorney-General of the Leeward Islands, and Member of the Council of Barbadoes. Mr Hamilton is described as "an excellent man," very useful to the Government under whom he served, particularly during the war then in progress. He died in London in 1780. Five years after—that is to say, on the 23d April 1785—Lady Isabella Hamilton was married to the Honble. and Reverend John Cunningham, brother of the Earl of Glencairn. He

[1] The result is, that at the present moment—so I am informed—the feu-duties of a considerable extent of property at the east end of Princes Street are scarcely worth the trouble and cost of collecting.—Conf. *Rolls of the Superiorities of the City of Edinburgh.* In one case property of the value of £30,000 pays to the town as feu-duty only £11. In the case of another property, now valued at £4000, taxes to the extent of £600 a-year are *remitted* altogether. The magistrates, who conceived the idea of acquiring "Bearford Parks," and adding them to the city limits, thereafter throwing out sprats in the manner described, were wise in their generation; the splendid prize they were the means of landing is now the admiration of the world.

had previously served in the 14th Regiment of Dragoons. There is little recorded of Lady Isabella Cunningham, except that she was distinguished by a full share of the family beauty. Her portrait, by Romney, shows her to have been tall, slight, with a figure of much dignity, oval face, and the high thin nose which was characteristic of each of her brothers.

During her sojourn in the West Indies, Lady Isabella made acquaintance with the family of General Sir Charles Shipley of the Royal Engineers, with whom a lasting friendship was established. A daughter of Sir Charles Shipley, Elizabeth, was especially attached to Lady Glencairn, and ultimately married her nephew, the son of Henry Erskine, and—on the death of Earl David—the twelfth Earl of Buchan.

The extreme cordiality of the reception which awaited Robert Burns on his arrival in Edinburgh from a small group of congenial souls is not difficult of explanation; there was more in it than mere admiration for genius. Mr Erskine's sister had, as has been stated, been married in the preceding year to the Earl of Glencairn's brother. The father of these gentlemen, Earl William, had recruited the wellnigh exhausted revenues of his family by marrying, in 1744, a young lady of a family which had been adopted by Governor Macrae, an Indian Nabob of great wealth. Charles Dalrymple, Sheriff-Clerk of Ayr, married Macrae's eldest daughter, and succeeded to the estate of Orangefield on the death of the Nabob. Thus, when Dalrymple introduced the poet to his cousin, the Earl of Glencairn, it was by a single step that he found himself in the midst of a circle of those who were among the fittest to appreciate, and prepared to welcome him in the most hearty manner as a friend,—namely, the Earl's brother, and his wife Lady Isabella; her brothers, the Earl of Buchan and Henry Erskine; and afterwards, through the kindness of the Dean of Faculty, no doubt, his particular friend, Jane, Duchess of Gordon, who, still in the prime of her beauty, was the acknow-

ledged leader of society; and she, being herself of Ayrshire growth, was disposed to receive with favour the ploughman-poet of her own country-side. Creech the bookseller, too, who had been the travelling tutor of Lord Glencairn, and who was to be Burns's publisher, was not the least important of those whose acquaintance he made by means of this family coterie at the earliest stage of his Edinburgh career.

On the 7th December 1786, Burns wrote to his friend Gavin Hamilton,—"My Lord Glencairn and the Dean of Faculty, Mr Henry Erskine, have taken me under their wing, and in all probability I shall soon be the tenth worthy, and the eighth wise man of the world."

Again, on the 13th December 1786, Burns writes: "I have been introduced to a good number of the *noblesse*, but my avowed patrons and patronesses are the Duchess of Gordon, the Countess of Glencairn [the Earl's mother], with my Lord and Lady Betty,[1] the Dean of Faculty, and Sir John Whitefoord." It was in reference to the sensation made by the *entrée* of the Ayrshire poet into the brilliant society of Edinburgh, that the aged Mrs Alison Cockburn wrote to a friend, "The town is all agog with the ploughman-poet, who receives adulation with native dignity, and is the very figure of his profession—strong, but coarse. He has seen the Duchess of Gordon and all the gay world."

Through the kindness of the Duchess of Gordon, the poet was introduced to all the delights of the New Assembly Rooms, where, it is not to be wondered at, he was not seen to the best advantage. Better far was his appearance at the classical suppers of Lord Monboddo, to which Mr Erskine got him bidden. At the worthy old judge's table, strewed with flowers, "after the manner of the ancients," and amongst flasks garlanded with roses, there can be no doubt the poet's after-supper *scolia*, pieces of lyric verse, would be highly effective and appropriate, given, as they were, in the purest Doric of the west.

[1] Lady Betty Cunningham, an unmarried sister of Lord Glencairn.

It was Mr Erskine who introduced Burns, on his coming to Edinburgh, to the Canongate Kilwinning Lodge of Masons. He had himself joined it about six years previously, and since that time had frequently occupied the chair at the meetings of this Lodge, which was especially resorted to by many of the leading Whigs at that time. Mr Erskine was the more ready to present his friend to the brethren, as he had, it is stated, "seen by his poems that he was a person who would be quite at home in a Lodge." What may be the import of this, perhaps the fraternity will understand. But it is said Burns was not always, on his first appearance in the capital, perfectly successful in the social circle.

Your practised *conteur* has an unerring instinct as to the class of story that his audience for the time being can appreciate; and with an insight similar to that of the sapient physician in the play, who suits his physic to his patient's taste —or to the sound judgment of the host, who considers well before offering the vintage that the Comet has smiled upon to the palate uncultured to a point of refined discrimination,— so, out of his stores of good things the experienced story-teller will produce only such morsels as he considers his hearers are able to bear. Poor Burns knew little of all this, or more probably trusted overmuch to the capacity of an Edinburgh audience; so that sometimes when he, all unconscious of the lack of sympathy that is everything in such a case, "tauld his queerest stories," and—as the climax was reached—expected that his company should have exploded into genial laughter, he was met, as with an icicle, with the vacant look, and query —*Well?*

Is it not Goethe who says that a man's calibre (perhaps his character) may be judged of by the kind of story that he finds amusing?

The kindness which Burns received from this coterie of "notables" was fully acknowledged by the poet in his letters, and in many of his verses. His lines to the Earl of Glencairn

and the *Lament* for his death, are among the best known of his poems, if they are not quite amongst the most pleasing. His impressions of his friend, Mr Erskine's, appearance at the Bar, are given in a short piece—*Extempore in the Court of Session*[1]—where the Dean of Faculty's style is contrasted with that of the then Lord Advocate, Mr Ilay Campbell—

"Collected, Harry stood a wee,
Then open'd out his arm, man;
His Lordship sat wi' ruefu' e'e
And eyed the gathering storm, man.
Like wind-driven hail it did asail,
Or torrents owre a lin', man;
The *Bench* sae wise lift up their eyes,
Half-wauken'd wi' the din, man."

It was, naturally, to Mr Erskine that Burns referred the question of the policy of publishing in his Edinburgh edition the Fragment of a *Ballad on the American War*, as it is called, commencing "When Guildford good our Pilot stood," which was probably written about the date of the events alluded to in it—namely, the fall of Lord North's Government, the India Bill, and suchlike topics. Being one of the earliest of such pieces, it is somewhat crude, and was said at the time to "smell a good deal of the smithy." His letter to Mr Erskine[2] is as follows, and we may infer that he and the Earl of Glencairn approved of the piece being included in the Edinburgh volume:—

"*Two o'clock.*

"SIR,—I showed the enclosed political ballad to my Lord Glencairn, to have his opinion whether I should publish it, as I suspect my political tenets, such as they are, may be rather heretical in the opinion of some of my best friends. I have

[1] The original is in the British Museum (Add. MSS., Select Depart.)

[2] The original of this letter is preserved in the Burns Monument at Ayr.

a few first principles in religion and politics which, I believe I would not easily part with; but for all the etiquette of, by whom, in what manner, &c., I would not have a dissocial word about it with any of God's creatures—particularly an honoured patron or a respected friend. His lordship seems to think the piece may appear in print, but desired me to send you a copy for your suffrage.—I am, with the sincerest gratitude for the notice with which you have been pleas'd to honour the rustic bard, sir, your most devoted humble ser^{t},

"ROB^{T}. BURNS."

The following letter is without address, but Chambers had no doubt of its being written to Henry Erskine:—

"ELLISLAND, 22*d Jan*^{ry}. 1789.

"SIR,—There are two things which, I believe, the blow that terminates my existence alone can destroy,—my attachment and propensity to poesy, and my sense of what I owe to your goodness. There are nothing in the different situations of a great and a little man that vexes me more than the ease with which the one practises some virtues that to the other are extremely difficult, or perhaps wholly impracticable. A man of consequence and fashion shall richly repay a deed of kindness with a nod, and a smile, and a hearty shake of the hand; while a poor fellow labours under a sense of gratitude which, like copper coin, which, though it loads the bearer, is yet of small account in the currency and commerce of the world. As I have the honour, sir, to stand in the poor fellow's predicament with respect to you, will you accept of a device I have thought of to acknowledge these obligations I can never cancel? Mankind in general agree in testifying their devotion, their gratitude, their friendship, and their love, by presenting whatever they hold dearest. Everybody who is in the least acquainted with the character of a poet, knows that there is

nothing in the world on which he sets so much value as his verses.

"I desire from time to time, as she may bestow her favours, to present you with the productions of my humble muse. The enclosed are the principal of her works on the banks of the Nith. . . . I have no great faith in the boastful pretentions to intuitive propriety and unlaboured elegance. The rough material of fine writing is certainly the gift of genius, but I as firmly believe that the workmanship is the united effort of pain, attention, and repeated trial. The piece addressed to Mr Graham is my first in that didactic epistolary way; which circumstance, I hope, will bespeak your indulgence. To your friend Captain Erskine's [1] strictures I lay claim as a relation; not, indeed, that I have the honour to be akin to the peerage, but because he is a son of Parnassus. . . .

"R. B."

A word or two more must be said about her who was one of the oldest of Mr Erskine's friends—namely, Jane, Duchess of Gordon. Their acquaintance probably began at the time when Henry Erskine's home was the old house at the head of Gray's Close, and Jane Maxwell's in the equally aristocratic neighbourhood of Hyndford's Close, near at hand. The story of the early exploits of the beautiful Jane Maxwell and her equally lovely sisters has often been narrated: how, on the occasion when a gentleman, a relative of their own,[2] first made

[1] The Honble. Andrew Erskine, brother of the Earl of Kellie.

[2] There appears to be some misapprehension as to the identity of the witness of this incident. Chambers (*Trads. of Edinburgh*, i. 239) says that "an old gentleman who was their relation told us," &c.; but no name is given. In *Rems. of Old Edinburgh*, i. 223, however, it is stated that "Mr Sharpe said he saw" the occurrence. Now, Charles Kirkpatrick Sharpe was born 15th May 1781 (*Memoir and Etchings*, p. 1), that is, fourteen years after the marriage of the Duchess of Gordon; so that, unless we are to believe that a Duchess, the leader of fashion and the mother of a gallant young Marquis, thus comported herself in the High Street, we must suppose that the author of the *Reminiscences* was mistaken in thinking that Mr Sharpe was the old gentleman in question.

their acquaintance, the girls had been despatched by their mother, Lady Maxwell of Monreith, to the "fountain well" in front of John Knox's house to fetch a "kettle" of water, and Miss Jane was seen mounted on the back of a sow, of which she had made capture, while her sister, Miss Betty, afterwards Lady Wallace, lustily thumped it with a stick. "The two romps," it is recorded, "used to watch the animals as they were let loose from the yard of Peter Ramsay, the stabler, in St Mary's Wynd, and get on their backs the moment they issued from the Close." In the year 1767 the lovely Jane Maxwell was married to Alexander, fourth Duke of Gordon, then in his twenty-fourth year. For many years the Duchess of Gordon, remarkable alike for her beauty, wit, and good-nature, had an undisputed reign as the Queen of Society in London and in Edinburgh.

Perhaps it was on account of her prowess when quaintly mounted as has been described, that she was, the year after her marriage, requested to present to the successful competitor at the *Carouselle* held at the Royal *Manege* of Edinburgh, Mr Allan Maconochie of Meadowbank (afterwards Lord Meadowbank, a Lord of Session), the gold medal adjudicated to him in the equestrian exercises[1] which were there engaged in, in presence of many ladies, noblemen, and gentlemen.

At the period when the Duchess of Gordon appears in this narrative, after twenty years of wedded life, when she was now the mother of seven children, she was still the acknowledged leader in society, with grace and gaiety unimpaired. The

[1] Mr Maconochie was notably successful in a sport which might be revived in our day—namely, an exercise to simulate the recovery of friends' heads unhappily lost in battle. This is said to have been a feat practised by the Germans in view of the barbarity of their enemies the Turks, whose officers were wont to offer rewards for Christian heads brought in after an action.

> "They, nimbly stooping from the bounding horse,
> Friends' heads regain, cut from the mangl'd corse."
>
> —Verses on the "Carouselle," *Scots Magazine*, April 1768.

censorious were not slow to cavil at this sprightliness. The brilliancy of an Edinburgh season with "dancing, cards, and company" under the guidance of the fascinating Duchess of Gordon, was said to be "far from showing Vice in her own image."

How dull Edinburgh could sometimes be when her Grace was not there, is shown by a passage in a letter from Mrs Murray of Cringletie to her sister at Coltness. Thus she writes:—

"QUEEN ST., *Febv.* 1, 1791.

". . . Had you been here you would have been an absolute prisoner from the weather, for we have had not only rain but such heavy winds as made going out even in a chair very dangerous; and one day it was so violent as to overset a hackney-coach on the street. It has certainly been a most extraordinary winter. What the great God of heaven intends by it, time must unravel. *I hope* a better summer than we had last, though I cannot say that our conduct should entitle us to many blessings: however, I hear our people are a great deal graver this winter than formerly—the public places being but thinly attended. Neither do I hear of many private balls. As to Katie, she has been at nothing but one little dance at Mrs Hepburn Buchan's, to which she did not go till near ten, as she said she would get enough of it in two or three hours. . . . Yesterday I met our friend Lady Helen,[1] who never looks near me now. She told me she had heard twice from you lately, and had sent you two pretty poems; however, as she told me yesterday that she visited nobody but the sick, I shall very willingly dispense with her company."

It need hardly be said that Mrs Murray's speculations regarding the intentions of the Deity are not consciously

[1] Probably Lady Helen Dalrymple, mentioned at p. 54.

irreverent. They show simply the habit of thought of the class of religionists to which she belonged.

But the description of the gaieties of the time hardly show Jane, Duchess of Gordon, in a true light. She was fond of her own country, and ever anxious to do a good turn when it was in her power to do so. One or two letters of hers at a little later date to her old friend Mr Erskine afford evidence of this.

Some years after her marriage to a man whom Henry Home, the worthy old Lord Kames—who had been her preceptor—considered "the greatest subject in Britain, not from the extent of his rent-roll, but from a much more valuable property, the number of people whom Providence had put under his government and protection," Lord Kames had addressed a letter to her Grace impressing upon her the great responsibility of her position. The good and thrifty old judge lived to see the day when he could thank God that "his best hopes had been realised" in regard to the manner in which his "dear pupil" had given effect to his views, "training the young creatures about her to habits of industry, the knitting of stockings among the young folk of both sexes, and other useful occupations."[1]

It was affirmed by those who knew her, that, whether it was a young damsel who had to be brought out at an assembly, or a friend to be helped out of a difficulty, or a regiment to be raised, the Duchess of Gordon was ever ready to use her best exertions, and to employ in the cause the wonderful powers of fascination which she exercised over all who came in contact with her.

The mention of the name of Lord Kames, the friend and adviser of the Duchess of Gordon, recalls one of the many "law stories" of which Mr Erskine is the hero.

It was soon after his admission to the Bar, and while on circuit with the learned and careful Lord Kames, that Henry Erskine made one of the quaint retorts that have been pre-

[1] *Life of Lord Kames*, by Mr Fraser Tytler of Woodhouselee, ii. 68.

served. The old judge's parsimonious habits, it appears, had led him to attempt small economies in the matter of the wine consumed at the Bar dinners, although it was then provided at the public expense. On one occasion the judge, in order to save something, had directed that *only port* should be placed upon the table after dinner. The lawyers had no notion of being treated in this way, when they were entitled, as they considered, to the usual allowance of wines,—especially to *the claret*, which was then, as in Brougham's time, the beverage appropriate to the higher ranks of the profession at such times—a tradition which the young Henry Brougham had the assurance to neglect on one memorable occasion. In the present instance sundry hints, increasing in breadth as the evening wore on, had been given that claret would be acceptable; and Lord Kames, at a loss how to give one more turn to the conversation, addressed Mr Erskine, expecting to get some support from the pleasant-spoken young man.

"What," said his lordship, "can have become of the Dutch, who, only the other day, were drubbed off the Doggerbank by Admiral Parker?"

But the young advocate, with the sweetest smile, replied, "I suppose, my lord, they are, like ourselves, *confined to Port.*"

There is something curious in the frequency with which, as shown by such stories as these, guests called in question the entertainment provided for them by their hosts, often insisting upon having better fare than that set before them.

Henry Erskine figures in another of these scenes. On this occasion it was Creech, the bookseller, Burns's Edinburgh publisher, who was the host: he was shrewdly suspected to be holding in reserve some choice old Madeira, very different from the poor Cape wine upon the table. Mr Creech was impervious to all his guests' hints and suggestions; at last Henry Erskine remarked, with somewhat hazy geography, "Well, if we cannot get the length of *Madeira*, we can at any rate *double the Cape.*"

Yet another of these "port stories" there is, which was thought worthy of being remembered by the "Dean"—that good old man—in his *Reminiscences of Scottish Life*,—for, to use Mrs Calderwood's favourite phrase, "you must carry this alongst with you,"—that in Scotland there is still only one "Dean" known, and we still talk of him with reverent regard, as people were wont to talk of "the Duke." At a dinner-party at the house of Lord Armadale, a judge of the Court of Session, *twice* port was brought to the table instead of claret. Henry Erskine, who was present, thus addressed the host, in parody of the old song, "My Jo, Janet"—

"Kind sir, it's for your courtesie,
When I come here to dine, sir,
For the love you bear to me,
Give me the *claret* wine, sir."

To which Mrs Honeyman,[1] the hostess, retorted readily—

"Drink *the port*, the claret's dear,
Erskine, Erskine;
Ye'll get fou on't, never fear,
My Jo, Erskine."

In January 1791, James, fourteenth Earl of Glencairn, died in his forty-second year. He was succeeded by his brother John, Lady Isabella's husband, who did not, however, long survive. A short letter of Lady Glencairn's to Aunt Betty, a

[1] William Honeyman, Lord Armadale, married, in 1777, Mary, eldest daughter of Lord Braxfield. Although she ultimately became "Lady" Honeyman, her husband having been made a baronet in 1804, it is probable that she is correctly styled by the simpler designation at the date of this story. Everybody—in Scotland at least—is aware that, though, in the North, judges are distinguished by the title of "Lord," the wives do not share in their husband's honours. The fact, however,—for which Sir Walter Scott is the authority,—is not so generally known, that the ladies were not always contented with "this species of Salique law," and "that their pretensions to title are said to have been long since repelled by James V., the founder of the College of Justice, who with some strength of language remarked that he had 'made the *carles* lords, but never the *carlines* ladies.'"—See Notes to *Redgauntlet*.

part of which is given here, seems to have been written at a time when she and her husband were in search of health. There is very little more of her ladyship's correspondence to be found among the family papers.

Lady Glencairn to Mrs Elizabeth Stewart of Coltness.

"BRIGHTON, SUSSEX, *Janry. 20th*, 1795.

" . . . I was taken suddenly ill last Wednesday senight, and was very severely so for more than a week, since which I have mended slowly every day, and last night I was so much recovered as to go, wrapped up, to the Duchess of Cumberland, and find no bad effects to-day; and therefore I wish to prevent any alarm to you and my kind friends at Coltness from the letter my brother may probably write to my dear little friend and niece,[1] as I had a letter from him this morning, written in the Court of Session, in which he expresses himself more alarmed than I wish. We have been tempted to prolong our stay here till now (and I think we shall ten days longer), as it is a charming retirement, there being only two families in the place, besides the Duchess of C., who is a very clever, sensible woman, and continues to make her station adorn her. She comes to us, or Sir John Coghill's, as I should to my neighbour. She gives nice little hot suppers at the Pavilion, of two or three things, and port and sherry, and warm punch, and will not be received otherwise; and keeps up her dignity in a way that pleases and secures affection, and commands respect. Indeed, during my illness she has behaved to me with the affectionate attention of a friend, so justly claims the tribute of my acknowledgement.

"The weather is most severe, and—what is almost out of belief—the town filled with mad dogs: four have been killed this forenoon, and several people have been bit round this place. All is, besides, consternation from public affairs,—open

[1] Elizabeth, Mr Erskine's eldest daughter.

boats arriving with the flying Dutch, some brought as near dead, the poor starving, and the cries of hunger and peace universal. In a word, the two or three last days have been dismal. What will be the event, God knows. I fear the birthday yesterday was very gloomy. However affairs turn, they are all in the hand of God, to whose blessing and providence I always recommend you, my dearest aunt, and all my dear and near relations, which includes very particularly the household of Coltness, to all of whom remember us most affectionately; and kiss Betsy from Lord Glencairn and me. Adieu, my dearest esteemed aunt, and believe me, always with great affection and respect, your dutiful niece,

"I. GLENCAIRN."

There is more than enough in the family correspondence to show that Lady Isabella's husband was a man of a very different stamp from that of his brother, the Earl of Glencairn who preceded him, of whom Robert Burns has written in such glowing terms. John, the fifteenth earl, appears to have possessed little of his brother's force of character, nor anything approaching to the talents his wife was endowed with, in common with the rest of her family.

Nor, so far as can be seen, did John Cunningham shine with any brilliance as a light dragoon, or in the pulpit. Throughout the letters of this time there appears to be an inference that Lady Bell would have fared better had her husband been a man with more strength of character. Mrs Durham of Largo (18th February 1788) writes thus regarding Lady Anne Erskine's opinion of her brother-in-law: "She [Lady Anne] is only provoked that they should be so little the better for all her exertions; for it is like water thrown into the ocean. They are at Spa for the winter; have taken a farm near Brussels, and have sent for a gardener from St Andrews, a maid from Cheshire, and a man from Norfolk. Mr Cunningham writes her the most *Outree Letters,* and [she

says] she has little reason to be satisfied with him," except, it is added, "for his affection for Lady Bell." Thomas Erskine's opinions were even more strongly expressed.[1]

A little later, after the earldom had come to them, Mrs Durham writes to Aunt Betty: "She [Lady Buchan] tells me that Lord and Lady Glencairn are at Bristole; and by letters from Bath, my lord was to preach in the Abbey Church last Sunday, and places were taken to hear him like a speech in Westminster Hall. He has sent down a sermon that has pleased his mother very [much]."

To the same effect is the news from Queen Street, Edinburgh, in March 1791, written by Mrs Murray of Cringletie, to her sister Elizabeth Steuart of Coltness. "My Lord [Buchan] showed me a most pompous letter from Lord Glencairn, where the illustrious descent and long connection of the two noble families was not forgot. One paragraph says that he is now by circumstances, as well as by party, independant, and that he is determined to remain so. What he means by this I do not understand, as there is a set who call themselves independant peers, which, tho' well affected to the present Ministry, don't, I believe, stand high in the good graces of that Ministry. With this set I hope Lord G. will not join himself; for as he is to continue in the Church, he should take the line that is most likely to conduce to his advancement in it. He was to preach at the Cathedral at Bristol on Sunday was s'night, as he wrote to Lord Buchan he had been taken up in composing his sermon: in this matter I fancy *his wife* would be a very good hand to help him."[2]

Lord Glencairn died at "Coates House, near Edinburgh," in 1796, and was buried in the cemetery of the West Church, where there is a tombstone and inscription to his memory. At his death the title became dormant; afterwards it was claimed, amongst others, by Sir Walter Cunninghame of Corsehill as heir-male; Lady Henrietta Don, wife of Sir Alexander

[1] *Polton MS.* [2] Ibid.

Don, and sister of the last Earl; and by Sir Adam Fergusson of Kilkerran, as heir of line. It is said that Mr Alexander Cunninghame, the friend of Burns and of the Earl of Buchan, had a claim. After inquiry, the Committee of the House of Lords found that none of the aspirants had made good their right. They found, however, that Sir Adam Fergusson had established his claim to be heir-general of Alexander, tenth Earl, who died in 1670; but this they considered was not sufficient to show his right to the title.[1]

Lady Glencairn resided several years at Coates House, and was, towards the end of her life, much abroad. Both as the widow of Mr Hamilton, and afterwards on the death of the Earl of Glencairn, she seems to have been but scantily provided for. In the latter case, this apparently arose from the bulk of the Glencairn property being entailed (the last Earl leaving no children), and passing into other hands. Furthermore, Lady Glencairn seems to have lacked the talent for making the most of what she had. This was the cause

[1] The following explains how the matter stood, and elucidates some points in the earlier part of this narrative :—

Alexander, 10th Earl of Glencairn = Nicholas Stewart, of Kirkhill and Strathbrock, eldest sister and co-heiress of Sir William Stewart.

Lady Margaret Cunningham, only child. = John, 5th Earl of Lauderdale.

James, Lord Maitland = Lady Jean Sutherland, eldest d. of 15th Earl of Sutherland.

Jean (only child) = Sir James Fergusson, of Kilkerran, Lord of Session.

Sir Adam Fergusson.

There is in the possession of Mrs Frederick Milbank, grand-daughter of Lady Henrietta Don, a miniature likeness of the last Earl of Glencairn. He is represented in the uniform of the 14th Dragoons. The face conveys the idea of gentleness rather than of strength of character. Very different is it from the hard rugged countenance of the old Earl of the seventeenth century, as shown in the *Iconographia Scotica*. The miniature is curiously let into the side of a gold eye-glass of the most solid and ponderous description.

of some care to her brothers, especially to Mr Erskine, who evidently did his best to guide his sister's affairs aright.

The agent for Lady Glencairn in Edinburgh was a certain Mr Kettle. It is in connection with his name that one of the most authentic of the stories of Mr Erskine is told. On one occasion Henry Erskine was in the Parliament House, the centre of a group of lawyers and others, the subject of conversation being the decadence of certain of the old Scottish families, *àpropos* of some case involving considerations of that nature then before the courts. At this juncture Mr Kettle came up, when Mr Erskine, turning to him, said—

"We have just been talking of the lamentable downcome of many of the oldest families in this country; but I have always thought, Kettle, that *yours* is the saddest case of all."

"Mine, Mr Dean?" exclaimed Kettle in amazement; "how mine?"

"We all know," replied Mr Erskine, "that your great ancestor *Pan* was looked upon as a *God* in the time of the Romans, and now here are you, *Kettle*, only an *Edinburgh writer;*" and the Dean shook his head in regretful sympathy with the fallen fortunes of the Kettles.

Of the literary circle of which Mr Erskine was a central figure, not the least remarkable individual was Mrs Maria Riddell. Her husband, Mr Walter Riddell of Woodley Park, was the brother of Glenriddell, the intimate friend of Burns, and one of the competitors for the "Whistle," as already mentioned. Maria's father, William Woodley, had been Governor and Commander-in-Chief of St Kitts, and of the Leeward Islands. While in the West Indies Miss Woodley was married to Mr Riddell, who possessed an estate in those parts. On returning to this country about 1791, they settled at Goldilea near Dumfries, changing the old name of the estate—which, by the way, has been since restored—to Woodley Park, in compliment to her father's family. Whether or not there

had been any previous acquaintance between Mrs Walter Riddell's family and Lady Glencairn while she was in the West Indies does not appear. When Burns with his family came to reside in Dumfries, he was introduced to the beautiful and fascinating Mrs Riddell, who was at this time barely "out of her teens," and a mother. Having a strong inclination towards literature, she took delight in the society of persons of similar tastes. The intimacy between Burns and Mrs Maria Riddell is spoken of in every life of the poet. But in the last exhaustive edition of his works is given an explanation of the cause of their quarrel, or rather of her quarrel with him, whom she was careful to describe as her intimate friend. The affair was sufficiently ludicrous. It appears that on a certain occasion, after a dinner-party at Woodley Park, the gentlemen of the party, who had apparently "brisked their blood with a moderate glass"—or two,—proceeded to carry out a piece of "daffing," or practical joking, upon the ladies, which took the form of a reproduction of the Raid upon the Sabines. In the attack which ensued, Burns, it seems, made a captive of his hostess, and saluted her with rather more of warmth than she approved. She can hardly be blamed for taking offence; but in the subsequent relations between the penitent poet and herself, she does not appear to have been perfectly ingenuous, but rather managed so to nurse her wrath, or permit it to cool, as seemed best calculated to enable her to retain her power over her acknowledged admirer. Her most effective step towards the humiliation of the evil-doer was the endeavour to turn his friend Glenriddell against him. The lines in which Burns mentions, or alludes to, Mrs Maria Riddell, are as various as the phases of their friendship. He has quoted some very graceful lines as descriptive of her elegance in dancing; again, he composed certain verses which can hardly be said to be "in her honour," seeing they are of that daring and reckless style in which he sometimes permitted himself to indulge, creditable neither to himself nor the object of them. Amongst the

epigrams he stored up for use, as occasion might demand, is one alluding pointedly to "Maria's tongue."

For all this, Maria Riddell was capable of writing verses possessing not a little of grace and sweetness. At the beginning of the century she collected several of these pieces, and having obtained permission from a number of writers of verse to publish certain of their fugitive pieces, many of which had not as yet appeared in print, she formed a goodly volume, which she published in 1802,[1] under the title of the *Metrical Miscellany*. "No poem," she says, "hitherto confined to MS., has been inserted in the *Miscellany* without the concurrence of the respective writers." The place of honour in the book — the first seventeen pages — is occupied by three of Mr Erskine's classical poems, and the *Emigrant*. Further on appear his *Lines written on the Tomb of two Lovers buried by the Fall of a Hill in the neighbourhood of* ——. This piece is in the form of a dialogue between "a Stranger" and "a Shepherd." A note attached to the poem, apparently by the hand of the fair editor, describes the circumstance that called it forth. "A narrow vale that bordered a *burn* near ——, was suddenly filled up by the fragments of a hillock which gave way, under whose acclivity was a bank, the favourite rendezvous of two young villagers who were betrothed. From the day that this romantic spot was destroyed in the ruins the lovers were heard of no more." As the Shepherd narrates—

> "Ne'er was their doubtful fate forgot,
> Dark melancholy hovered here:
> And superstition shunn'd the spot."

The note continues: "Twenty years had elapsed when a

[1] In the most recent edition of Burns's Works Mrs Riddell is mentioned as "the chief contributor" to the *Metrical Miscellany*. She was more than that. The work was put out by her. 1804 is given as the date of publication; but it was a *second edition* which appeared in that year, showing that the work must have had a considerable success. Both editions are still to be met with in old collections.

friend of Mr Erskine's, who purchased the ground, employed labourers to dig and clear the rubbish that disfigured the banks of the stream; and buried in the ruins were found two skeletons, yet entire, locked in each other's arms. The proprietor erected a rustic monument to the memory of the unfortunate pair, and shaded it with a grove of cypress, which, with the elegant stanzas of Mr Erskine's, has rescued them from oblivion." The scene of this tragedy has not been identified.

It is worthy of remark, that when Mr Erskine was in the poetic mood, and not called upon for some trifle, or epigram, his thoughts seemed usually to have turned in the direction of a theme of a sombre or even melancholy nature. The extracts from his poems, which have been laid before the reader, will, it is thought, bear out this idea: though the selections have not been made with any such view. The point has a certain significance, and should not be overlooked when the character of the gay, witty, and brilliant Harry Erskine is considered: such were the qualities that most persons saw in him; but of a surety there was more that did not catch the common eye.

Mrs Riddell took care that her own effusions should appear in good company. In this volume, which speedily attained to a second edition, as has been just said, there are, besides Mr Erskine's pieces, which form the largest contribution to the book, two poems by R. B. Sheridan, another by C. J. Fox, others by Georgina Duchess of Devonshire, Lord Palmerston, and several other well-known names.

The *Miscellany* is far from being a lively or "amusing" volume; on the contrary, the fair editor's aim seems to have been to get her claim to be a superior mind acknowledged, on the score of *esprit* and profound sentiment. Consequently none of Sheridan's or Mr Erskine's lighter pieces could be admitted here, but his *Elegy to the Memory of a Beautiful Young Lady* is in the proper vein.

When poor Burns died Maria Riddell was among the first

to pronounce a eulogium. This she did in an elaborate analysis of his character, which has been reproduced in several of the memoirs of the poet. In it she adventures the opinion that, actually, poetry was not his *forte*, but somehow fails to make it quite clear what was.

Some of her remarks upon the poet's characteristics read curiously, in view of the peculiar nature of their friendship. For instance, Maria Riddell writes that "he was candid and manly in the avowal of his errors, and *his avowal* was a *reparation*.[1]

[1] (*Burns's Works*, crown ed., pp. cxxviii-ix.) Charles Kirkpatrick Sharpe had some quaint things to say of Mrs Maria Riddell, which he recorded on the fly-leaf of his copy of the *Metrical Miscellany*, and which it is not necessary to reproduce.



CHAPTER XI.

TRIAL OF DEACON BRODIE—CONTEST FOR THE CLERKSHIP OF ASSEMBLY—PRINCE OF WALES AT WENTWORTH—A SUIT—THE STADTHOLDER'S VISIT — ELECTION PROJECTS — AMMONDELL — BURGH REFORM — LOYAL "RESOLUTIONS" — HENRY ERSKINE AND MR ARCHIBALD FLETCHER—REVOLUTION AND REFORM.

THERE is hardly any incident in the history of Edinburgh, in the last century, more suggestive in its character than the trial of Deacon Brodie, a member of the Town Council, for housebreaking. It is probably this view of the case which has made the career and sensational end of the man one of the best remembered tales in Town history.

The whole of the circumstances of his case, which have been preserved to the smallest details, furnish curious matter for the study of a peculiarity of life in the capital at the period in question. The fact that such a man should have found his way into the Town Council of Edinburgh is striking as evidence of the low ebb which the city had reached in respect of its municipal affairs. Still more effectively does the toleration of this malefactor's walk and conversation by the decent burgesses of the city, in whose society he was considered to shine with an envied brilliance, show the standard of propriety in use in that class of life. For there is good reason for thinking that the Deacon's mode of life was tolerably well known, or at all events *jaloused*, long before the *dénouement* came.

There is withal something interesting, if not attractive, in the dashing rascality played off upon the honest townsfolk and friends of this man,—something which invests him with a little of the romance of Jack Sheppard and other heroes of the Newgate Calendar. The Deacon himself was an amusing man, and the best of company, and could suit himself to all societies as cleverly as he could fit a skeleton-key to the wards of a strong-box lock. So that whether he dropped, under cover of night, into the drinking-dens of his disreputable companions when some adventure was on hand, with the rollicking song from the *Beggars' Opera*—

> "Let us take the road.
> Hark! I hear the sound of coaches,
> The hour of attack approaches"—

upon his well-modulated lips—for the Deacon sang a good song; or entertained his customers or friends over a bowl of punch with the gossip of high life picked up at the cock-pit (all they had in room of the *society papers* in those days), quoting what Hamilton of Wishaw [1] had said, or the new oath *rapp't* by Lord ——, Deacon Brodie was always ready, always pleasant and conversible.

It is unnecessary to trace minutely the course of Brodie's life till the period when circumstances made Mr Erskine acquainted with him. Briefly, the chief points in his career were these. He inherited from his father, Convener Brodie, the business of a cabinetmaker, which the old Town Councillor had carried on for many years in the Lawnmarket. The elder Brodie died in 1780, and in the following year his son was chosen a Deacon, councillor of the city, probably in remembrance of his father's services. He managed to make himself especially prominent as a councillor on the occasion of the election of Sir Laurence Dundas as member of Parliament for the city of Edinburgh, in opposition to Mr

[1] Kay's *Portraits*, i. 96.

Miller, afterwards Lord Glenlee, when the struggle was so keen that every vote was of the utmost value. Brodie, by keeping back his promise from either party till the last instant, when it appeared that the fate of the election rested upon his voice, gained for himself the position, for the moment, of the most important man in the city.

He had, however, associated himself with several of the very lowest of the population, with, apparently, the object of using, by their means to the greatest advantage, the knowledge his position in society gave him. This scheme, when it afterwards became known, gave a clue to much that was involved in mystery at the time.

Sundry curious stories connected with the light-fingered Deacon have become traditional. How, for example, an invalid lady, unable to go to church one Sunday, was surprised by the entry into her room of a man with a crape over his face, who quietly took her keys from their accustomed place, opened a bureau, and took out a considerable sum of money, and, having replaced the keys on the lady's table, retired "with a low bow." The lady, speechless till her visitor had withdrawn, in amazement exclaimed, "Surely that was Deacon Brodie!" Subsequent events showed that she was probably right in her surmise.

A friend of the councillor at supper mentioned to him casually that he was going to the country for a few days on a certain date. Something occurred to detain him in town. In the dead of the night he was disturbed by a creaking in the floor. A light glanced across the wall of his bedroom. Through a window which looked into another room he observed his friend the Deacon, in a mask, calmly at work by the help of a dark lantern, making a selection from amongst his valuables. It has been noted as characteristic of the Town's manners, that this little episode should have been quietly tided over, apparently, with little or no unpleasant remark.

It is worthy of mention that Mrs Henry Erskine's faculty of

judging character was in no whit at fault in the case of Brodie. Her son has noticed the fact that while the Deacon was frequently employed in matters connected with his trade of cabinetmaker in Mrs Erskine's house, she never could tolerate his presence with any composure.

The details of the crime for which he was brought to trial—namely, the robbery of the Excise Office, are of the most commonplace and uninteresting description. He and his low companions had succeeded in securing a booty of only some £16, when they were disturbed. In order to assist a plea of *alibi*, Brodie at once changed his clothes and showed himself at the house of a friend of his in Libberton's Wynd. But shortly after, finding that there was a probability of one of his accomplices turning King's evidence, he took flight.

Brodie seems to have had a fair chance of escaping, but for the fatuous rashness proverbial in such cases. He remained in London some time, when he took his passage, in the name of John Dixon, on board of a smack bound for Leith. After the vessel had gone a little way down the Thames, Brodie came on board about twelve o'clock at night, disguised as an old gentleman seemingly in bad health. On getting out to sea, as it no doubt had been previously arranged, the *Endeavour* steered for Flushing instead of Leith; Brodie was put ashore, and immediately after took a Dutch skiff for Ostend.

But, unfortunately for him, there had been a Mr Geddes, a tobacconist of Mid-Calder, and his wife, fellow-passengers in the Leith smack, with whom Brodie freely entered into conversation. On parting, he had given Geddes certain letters to deliver in Edinburgh. These, as might been have foreseen, were the means of his discovery. On landing at Leith, Geddes became acquainted with the circumstances of the robbery, and suspecting that "Mr John Dixon" was no other than Deacon Brodie, he opened the letters, and became strengthened in his opinion; but not being able to make up his mind how to proceed, Mr Geddes did not deliver the letters to the authorities

till nearly two months later. Information of the circumstances were then despatched to Sir John Potter, British Consul at Ostend, in consequence of which Brodie was traced to Amsterdam, where he was apprehended on the eve of his departure for America. He was brought back to Edinburgh, and on the journey from London told many amusing anecdotes of his sojourn in Holland.

One of the letters to his brother-in-law showed that he had been as much concerned for the result of the cock-fighting he had left behind him, as for his own safety. One sentence runs: "Write me how the main went. How did you come on in it? —if my black cock fought and gained?". &c.[1]

The trial took place at the High Court of Justiciary, on the 29th August 1788, before Lords Hailes, Eskgrove, Stonefield, and Swinton. Brodie had early secured the Dean of Faculty as his counsel, remarking, with characteristic flippancy, that "however the matter might go, he had *pitted the best cock that ever fought.*" Along with Mr Erskine were Mr Alexander Wight and Mr Charles Hay (afterwards Lord Newton.) The list of counsel for the prosecution is formidable—Ilay Campbell, Lord Advocate (afterwards Lord President); Robert Dundas, Solicitor-General (afterwards Lord Chief Baron); William Tait, and James Wolfe Murray (afterwards Lord Cringletie), Depute-Advocates. Brodie and his accomplice Smith were alone indicted, the others of the gang having become "King's evidence."

The facts were all borne out by evidence, which included the statements of several of the gang. The only attempt at a defence that was possible was tried; it was sought to establish an *alibi* on behalf of Brodie by means of Jean Watt,[2] in whose house he was about the time the crime had been com-

[1] Kay's *Portraits.*

[2] This witness was examined by the Lord Advocate as to an alleged marriage between her and the prisoner, performed in the Tolbooth, for the sake of her children. The fact of a marriage would have rendered her evidence invalid.

mitted—and her maid; but facts are inflexible, even in the hands of the most skilful advocate. In the case of an asserted *alibi* there is obviously limited scope for the powers of a great pleader. The highest result that can be achieved is so to marshal details of fact in form of a narrative, that the jury may be convinced of its truth. The plea advanced might have been more successful in raising a doubt but for the letters written by Brodie from his place of fancied safety. The Dean of Faculty, seeing the utter hopelessness of such a case, had no resource but to do the best he could for his client by eloquently railing at the faults of the age; in fact, in old Scotch phrase, "wyting the iniquitie of the time," in the very faint hope of affecting something in the way of mitigation of punishment.

One passage of Mr Erskine's speech is quoted in the report of the trial, where it is recorded that "the Dean of Faculty, who, with indefatigable attention, and a most brilliant display of ability, had gone through the whole business of the trial, at three in the morning rose and addressed himself to the gentlemen of the jury upon the part of Mr Brodie. He observed, that the situation of his unfortunate client presented to the world a most astonishing moral phenomenon! That a man descended from an ancient and respectable family, who, from the state of his affairs, made up by himself, was in opulent circumstances, and infinitely removed from indigence and temptation; who for a long series of years had maintained an irreproachable character in society, and had often filled offices of honour and trust among his fellow-citizens, the duties of which he had discharged with attention and fidelity; that *such* a person should even be *suspected* of the crime charged in the indictment was a most extraordinary fact. If it was true, he allowed that he was of all men the most culpable. But who could give credit to such a charge as was here exhibited? for as an eminent poet of our own country, who was still alive, had expressed himself—

" 'The needy man who has known better days,
One whom distress has spited all the world,
Is he whom tempting fiends would pitch upon
To do such deeds, as make the prosperous men
Lift up their hands, and wonder who could do them.'

" It being therefore highly incredible that Mr Brodie would have all at once departed from his integrity, and dashed into such guilty and atrocious crimes as now were charged against him, it would require a very strong and unsuspicious proof indeed to fix guilt upon him; and if parts of Mr Brodie's conduct which appeared to infer suspicions against him could be ascribed to any other cause, the gentlemen of the jury would lay these appearances altogether out of their view in judging of the import of the evidence.

" To a certain extent," the Dean said, " he was obliged to admit the *shame*, although not the *guilt*, of his unfortunate client. From an early period of his life he had had a most unhappy propensity to gaming, which, it appeared, he had indulged to a very great height. To this vice he had reason to ascribe the distressing situation in which he then stood. It had subjected him to the lowest and most unprincipled connections, —persons who had attempted to sacrifice him to their own safety. In the course of indulging this propensity, the prisoner Brodie met with a professed gambling club almost every night at the house which was the common receptacle of all descriptions of mankind; and there the dice, like death, levelled all distinctions! This destructive seminary of vice ought, for the good of society, to be *razed to the foundation.* The unfortunate prisoner, Mr Brodie, was by no means singular in his attachment to that vice, nor was it at all confined to the lower situations of life. People of the highest rank scrupled not, in the course of their gambling, to mix with highwaymen and pickpockets, and to descend to practices of chicane and cunning which, in any other situation, they themselves would

[1] Old Norval's speech in *Douglas*.

abhor. It was only the other day that a gentleman at Brighthelmstone, reputed worth £3000 *per annum*, was detected in the very act of using loaded dice, and obliged to fly the country for it, which was exactly Mr Brodie's situation.

> " ' The very head and front of his offending
> Hath this extent—no more.' "[1]

The trial commenced at nine on the morning of Wednesday, and the jury was enclosed till six o'clock in the morning of the following day, when they, "all in one voice," found both panels *guilty*. They were sentenced to be executed at the west end of the Luckenbooths on the 1st October 1788.

Throughout the proceedings at his trial, and till the very end, Brodie's coolness, or levity, never forsook him. This wonderful firmness has been explained by a story which became current, to the effect that he had been visited in prison by a French quack doctor, who undertook to restore him to life after he had hung on the gibbet the usual time. Brodie was doubtless encouraged in the idea by the precedents of Ambrose Guinett, and of "half-hangit Maggie Dickson," who, after the execution of the law upon her, had suddenly revived, and sat up in the cart in which she was being removed to Fisherrow, to the no small embarrassment of the driver. The arrangements for Brodie's preservation were, it is believed, mismanaged; and the working of the improved gallows, perfected by his own ingenious contrivances, was only too true, and defied all attempts at resuscitation.

[1] Creech, who printed and published an account of this trial, and who was himself on the jury, states in a footnote that he applied to the Dean of Faculty for "an account" of his speech, so able and eloquent, and which "displayed an acuteness and ingenuity which it would be difficult to do justice to. But by a polite letter from the Dean, he was informed that the speech was *extempore*, and that there had not been a syllable in writing; and that as he was so much immersed in business, and was to leave town the next day, it was not in his power to attempt setting down anything from memory."—*Account of the Trial*, p. 90.

Amongst the city archives, I am informed, are to be found several specimens of the neat handwriting of Deacon Brodie. The following anecdote, too, has been preserved as illustrative of a curious magisterial custom, then of long standing in the city; as well as of the cool impudence of the notorious Town Councillor. When Brodie was confined in the Tolbooth, under sentence of death, he was visited by some of his former companions at the Council table. At parting with one of these on the eve of his execution, he addressed him with the jaunty adieu, "Fare ye weel, Bailie! ye needna be surprised if ye see me amang ye yet, to tak my share o' the *Dead chack!*". This somewhat ghastly entertainment was a collation provided, at the expense of the city, for the Town Council and Magistrates on the occasion of their attending at executions, and was looked forward to as a pleasant termination—not to be missed—to an interesting incident in official life.

A curious circumstance connected with this case, not included amongst the details given in Kay's *Portraits*, is traditional in Edinburgh. It would appear that towards the end of the seventeenth century there was current at St Andrews a legend of certain valuables having been concealed for safe keeping in the burial-place of Bishop Kennedy, during the troubles attending the Reformation. About 1681, it is believed, search was made in the site indicated, with the result that five splendid and ponderous silver maces were disinterred from the old bishop's tomb.

Three of these interesting relics formed acceptable gifts to the Universities of Glasgow, Aberdeen, and Edinburgh; the remaining two being retained for use at the Colleges of St Salvator and St Mary's.[1] For many years the College mace at Edinburgh was held in much veneration. About the period under notice, it was found that this "bauble" had been taken away from the College, no one could conceive how.

Afterwards, when sundry other mysterious incidents were

[1] Lyon's *History of St Andrews.*

being cleared up by the process of putting that and that together, the affair of the College mace was thought to lie at the Deacon's door. Whether or not in this case every link in the chain of circumstantial evidence was complete is not known; but the Town Council were so "black affronted" at the undesirable attention drawn upon them by an unworthy member of their body, that they—so the story goes—quietly caused make another mace, after one of the existing models, and gave it to the University without any unnecessary ceremonial.[1]

Amongst the many curious documents which have come to light since the collection of MSS. of the late Mr David Laing has been deposited in the Edinburgh University library are two letters of Deacon Brodie, written while in the Tolbooth prison. One of these, addressed to a lady in Edinburgh—but to whom is not known, as the back of the letter and address are gone—is a curiosity, and characteristic of the prisoner. It runs:—

"MADAM,—Lett me beseech your ladyship to pardon my boldness in making the present address. The wretched can only fly to the humane and the powerful for relief.

"As my trial is printed, it would ill suit me to make any reflections on the unfortunate issue. And this much I am convinced of, that the current of popular prejudice is so strong against me, that it will be well worth me if I can rescue my life on any terms; and tho' my friends are making application above, I have little hopes of the success, unless some respectable characters, who have had an opportunity of knowing something of those I have come of, and of my former life, interest themselves in my behalf. With all the fortitude of

[1] "Friday, Octo. 2, 1789, William Creech, Esqre., in name of the Lord Provost, Magistrates and Council, presented to the *Senatus Academicus* of the University of Edinburgh an elegant new silver mace." *Nova hæc clava argentea*, as it is called in the inscription, bears the arms of the founder of the College, James VI. —See *Scots Magazine*.

a man, I must confess to you, madam, that I feel the natural horror at death, and particularly a violent ignominious death, and would willingly avoid it, even on the condition of spending my future years at Bottony Bay.

"In that infant collony I might be usefull, from my knowledge of several mechanical branches, besides my own particular profession; and if your ladyship and your most respectable friend, the Right Honble. Henry Dundass, would deign to patronise my suit, I would have little reason to doubt the success. Capt. John Hamilton, too, I think, would be ready to assist in any measure sanctified by your ladyship. Lett me again intreat you to pardon my boldness. My time flys apace, and the hand of death presses upon me. Think for one moment, but no longer, what it is to be wretched, doomed to death, helpless and in chains, an' you will excuse an effort for life from the most infatuated and miserable of men, who can confer no compliment in subscribing himself, madam, your ladyship's devoted humble serv^t.. WILL. BRODIE.

"Edin^r. Tolbooth,
"In the Iron Room and in Chains,
"10*th Sept*. 1788.

"*P.S.*—I have requested Mr Alex. Paterson, my agent, to deliver this in person to your ladyship.—W. B."

This celebrated cause illustrates an important difference between the practice of English and Scotch law, which happily no longer exists. However defective the latter may have been in some respects at the period under notice, there was one particular in which the custom in Scotch criminal procedure was far in advance of that obtaining in England in similar cases, and which commends itself to common-sense in the same measure as the English rule strikes one as having been repugnant to every feeling of justice.

What is alluded to is the custom in English law which

forbade that a prisoner charged with felony should have the assistance of counsel in making his defence—or, indeed, that in a case of felony counsel should speak at all upon the general issue of guilty or not guilty; though they were sometimes assigned by the Court to the prisoner, "to plead some point *of law* which they first desired to have considered,"—of which instances are to be found in the State trials. The superior clemency of the Scotch law, as compared with the English, in regard of this matter, is expressly pointed out by legal authorities.[1]

In England the effect of this cruel and manifestly unjust regulation was, as might be expected, that an ordinary jury would be most likely to entertain too strong an impression of the hardship under which a prisoner laboured, and to show a favour that the facts proved did not warrant.

This difference between the Scotch and English procedure is exemplified by the coincidence, that within a short time of each other, two cases of felony occurred in Scotland and in England respectively, in which the two brothers, Henry and Thomas Erskine—as was acknowledged, the most distinguished counsel at their respective Bars—were employed. The Scotch case has been described, and the part which Henry Erskine took in it *in behalf* of the prisoner; but

[1] ". . . Our practice, in this more benign than that of England, does not leave it with the pannel to take charge of difficult and interesting matters alone and unassisted, but gives him in every instance the benefit of counsel to guide him in his choice, and enable him to conduct his defence with skill and discretion. To that effect provision was made long ago by the statute 1587, c. 91. . . . Thus the pannel has the benefit of the arguments of counsel in support of all his objections to the libel and executions, and is enabled to take advantage of every error or inaccuracy which may happen in the proceedings in the trial."—Hume's *Commentaries on the Law of Scotland respecting Crimes*, ii. 283. When counsel was allowed in treason cases, "a benefit which the common law of England does not allow" (i. 545), a great advance was considered to have been made in the direction of the Scotch custom. The general rule in English law was altered by a series of statutes of different dates, from 7 William III. to 6 & 7 William IV., by the last of which counsel are now allowed in all cases.

in the English case, the trial of which took place at the Sussex Assizes, Thomas Erskine was employed *against* the prisoner;[1] and the painful spectacle was witnessed of a defenceless man exposed to the attack (which it was his bounden duty to make) of a trained antagonist, and such an antagonist as many a man might well tremble to encounter, however conscious of his innocence. The result of this trial was the acquittal of the prisoner, a result by no means unlikely under the circumstances.[2]

In the year 1789 took place a contest which is still remembered in the annals of the Church of Scotland. The causes of the strife were of themselves trifling enough. It could hardly be of much moment, it may be thought, beyond the circle of those immediately concerned, which of two ministers, both very excellent men, should hold the comparatively unimportant office of Clerk to the General Assembly. But there was much which rendered the election at this time of peculiar interest. The post itself is one which has ever been an object of ambition, seeing that in a Church where every individual clergyman is, nominally, on an equality with his brother minister, there is little opportunity for distinction other than such as may be achieved by individual ability. The Clerkships to the Church Courts are, it is believed, the only permanent offices to which ministers can be elected by the votes of their fellows. Thus the office of Clerk to the

[1] See *Lives of the Chancellors*, viii. 283.

[2] Some years before this, had occurred the case of the King *v.* Lord Baltimore, charged with a felonious offence. Though the evidence at this trial was so conflicting that sundry pamphlets were afterwards published on the case, all the help that could be allowed by law to the prisoner was accorded by the judge—namely, that Lord Baltimore's solicitor should be allowed to *read the prisoner's defence*, though the Recorder of the district, and three other counsel who had been engaged, were present; and this in a case—if there ever was one—where the evidence adduced should have been subjected to the most rigorous criticism in the cause of the accused. In this case also the result was acquittal.

General Assembly, though only worth, at this time, some £80 a-year, was considered to be a distinction worthy of being conferred upon the minister who had, by his services, shown most distinctly that he deserved well of the Church. Where strong and severe views on matters political and theological were held by the body of the electors,—who in such cases, it should be remembered, consist of both lay and clerical representatives,—it is obvious that there must ever be a probability of widely differing opinions as to who the most deserving aspirant may be.

Seeing that a certain amount of authority was of necessity exercised by the Clerk, the importance of the election was proportionately enhanced. It was, as Dr Hill Burton has said, of as much consequence who should be kept out as who should be put in, there being at times a risk of the servant becoming master.

The candidate of the "Moderate" party on this occasion was Dr Carlyle of Inveresk, the consistent supporter of the Government. He had written and spoken emphatically and successfully in favour of Patronage, when it needed a defender in the case of certain of the city churches, and even supported, with plausible reasons, the Test Act. Dr Carlyle was amongst the most notable of the clergy of the Church of Scotland at that time; a man of much strength of character and great authority in the Church—too much so in the estimation of some. "Jupiter Carlyle," he was styled. Moreover, the great body of the clergy were understood to acknowledge their indebtedness to Dr Carlyle for his zealous efforts to procure for them an exemption from the payment of "window-tax."[1]

His opponent, the nominee of the popular party in the Church, otherwise the "Highflyers," was Dr Dalzell, Professor of Greek in the Edinburgh University, an excellent and respected man. He had proposed to devote the emolument attached to the office—should he succeed in obtaining

[1] *Life of Principal Hill*, p. 127.

it—for the good of the family of Dr Drysdale, his father-in-law, by whose death, in the preceding year, the post of Principal Clerk to the General Assembly had become vacant. Many of the ministers were old pupils of Dr Dalzell, and owed him much gratitude for receiving poor youths from their parishes, whom he educated free of expense.[1]

Dr Hill Burton, in referring to this point in Dr Carlyle's life, has adverted to the fact, that in the bitter struggle for the Clerkship which ensued, the Moderate party were clearly at some disadvantage from the views they were apparently adopting in their support of the Moderate candidate, laying themselves open in the sight of their presumably stricter and more orthodox adversaries to the charge of unfaithfulness to the great traditions of the Church.

The leaders on this memorable occasion were Henry Dundas for Dr Carlyle; and for Dr Dalzell, the Honble. Henry Erskine.

The former of these great advocates had early familiarised himself with the business of the Church Courts, even before Henry Erskine had entered the same arena. Henry Dundas had constantly attended at the annual meeting, both before and after his appointment to the office of Solicitor-General, and had, as Lord Advocate, only been prevented from taking part in the proceedings of the Church Courts by the pressure of his duties in Parliament.

It was probable that it was only on such occasions as the present that the feelings of the *Moderates* and *Highflyers* were very much excited against one another. At a date a little after that in question, a close observer describes the bearing of both in the General Assembly in ordinary times, and gives his opinion that the differences between them were more in appearance than reality.[2] At the same time there is strong reason for believing that the peculiar line taken up by Dr

[1] *Hist. of University of Edinburgh*, i. 75.

[2] John Gibson Lockhart in *Peter's Letters to his Kinsfolk*.

Carlyle throughout a long and active life, was one in which he could not have had any very great number of followers. Whatever may be the case now, in the age in which he lived, the great body of the clergy of the Church of Scotland were, in accordance with the traditions of the Church, of necessity Whigs. If a minister of the Church of Scotland was not, the reason was likely to be found in some personal tendencies, such as those which appear to have been characteristic of Dr Carlyle.

The proceedings in this case, as shown by the MS. records of the General Assembly, were both curious and intricate. On the motion being made on the first day, or session, of the Assembly, that they proceed to fill up the vacancy, an amendment was proposed, and ultimately carried, that it should be competent to any member of the Assembly to demand a scrutiny, or investigation, of the legality of the votes; that the investigation should be committed to a committee for revising commissions; and that, subsequently, "the election should be declared to have fallen on the person having the majority of legal votes on the roll, as purged by the Assembly." This seems to have been a stroke of generalship on the part of Mr Erskine, and was doubtless made with sufficient reason. For equally good reasons it was opposed by Mr Solicitor Dundas, who, on its being carried, protested.

Under this *proviso* the Assembly voted according to the roll, and "carried Dr Carlyle." At this stage of the proceedings the Moderator, Principal Hill, was called upon to declare "in what manner he would give his casting vote, if, upon a scrutiny, there should appear an equality of votes." He declared "that he does *now* give his vote for Dr Carlyle." It was found that the numbers were, for Carlyle 145, and for Dalzell 142, Dr Carlyle being thus successful by a majority of only *three*. On taking his place as Clerk, and while still flushed with victory, he made a speech which could not have been considered well-timed under the circumstances. Amongst other

subjects, he dwelt at some length upon the efforts he had persistently made to curb the "fanatical spirit" which he alleged was abroad in the country. As this was the phrase then in use with reference to the views of the Evangelical party, his opponents in the recent struggle, his remarks could not have been well received, even under circumstances of less excitement.

But the matter was not yet quite settled. The juncture which Mr Erskine had foreseen had now arisen. It remained to institute an inquiry into the right of membership of every individual who had voted, with a view to excluding the names of all but those who could show a legal claim to take part in the election, according to the terms of the amendment carried by Mr Erskine, and against which Mr Dundas had protested. The result of such a proposal may be imagined. The renewed contest seems to have been prolonged, keen, and uproarious. Never, probably, since that memorable Sunday in July 1637, had the roof of the Preston Aisle[1] of old St Giles' rung with such unseemly clamour. Hill Burton[2] cites the account of the indecorous wrangling given in Dr Cook's *Life of Principal Hill*, where, it is said, "there was displayed ingenuity that would have done credit to a more important cause; but with this there was mingled a degree of violence, unworthy of the venerable Court in which it was exhibited. The debates were protracted to a most unusual length; and upon one occasion, after all regard to order had been cast

[1] A well-known engraving, of about 1786, by David Allan, in his usual quaint style, represents a "session" of the General Assembly in St Giles' at a little earlier date than this. In the foreground appear several of the individuals mentioned in this narrative; William Robertson, Procurator; Dr Carlyle; Dr Drysdale, clerk; Sir Henry Moncreiff, &c. In the foreground Henry Erskine is shown deeply engrossed in his own papers, while James Boswell, with a pile of documents, declaims before the Lord Commissioner. The neat little "cut" at the end of this chapter has been suggested by a group in the far background of this picture, a copy of which is in the vestry of St Giles'.

[2] *Autobiography of Carlyle*, p. 558.

aside, the Moderator, with unshaken firmness, exercised the power which he conceived to be vested in him. He turned to the Commissioner, and having received his consent that the Assembly should meet at a certain hour next day, he adjourned the house. Amidst the loudness of clamour this step, which none but a man of courage and nerve would have taken, was applauded, and it probably was useful in putting some restraint on the angry passions which had before been so indecently urged."

Ultimately Mr Erskine's client was found to be gaining so steadily as the process of "purging" went on, and as the sound votes were recorded, that Dr Carlyle gave up the contest—but still protesting.[1]

Though thus far defeated, neither he nor Mr Dundas, his supporter, would concur with the result. The expediency of carrying the affair to a new Assembly, or to the Court of Session, was considered. Mr Dundas was naturally loath to own himself out-generalled by his great rival, Henry Erskine, and was confident that he could have carried it to a different conclusion; but in the end, his sound good sense led him to see that a rancorous struggle, which must ensue, wherein the worst feelings would be provoked, even if successful, would render victory, and an office of £80 a-year, dearly bought by a man of Dr Carlyle's age and position.

The view taken by society of this memorable contest, is shown by the following extract from a letter from Mrs Mure of Caldwell to Aunt Betty, dated

"ABBEYHILL, *June* 3.

"This town is now very quiet after the great bustle of the General Assembly, and a sad one it has been for such a trifle as 84 pound a-year, but it came quite to be a political affair, and Mr Pit and Mr Fox combatants. The latter, however, carried it merely by the great abilities and exertion of our

[1] See *MS. Records of the General Assembly*, 1789, pp. 150-294.

friend Harry Erskine. Some people say it is to come on again, but I don't believe that will answer."[1]

Dr Carlyle's autobiographical notes are brought down to no later period than the year 1770; had they been continued to the date of the famous affair of the Clerkship, we, no doubt, should have had from his pen some pithy and forcible remarks upon what was one of the most important incidents of his life.

It was deemed prudent that the Prince of Wales should about this time make a sort of *progress* among the Whigs of the Northern Counties of England; and Henry Erskine was summoned to meet his Royal Highness at Wentworth. The heir to the house of Fitz-William, who had been anxiously expected for fourteen years, was then only two or three months old, and esteemed a personage of at least as much consequence as the royal guest.

The precious infant was shown off in all the pride of embroidery and rich lace—but for all its finery, looked cold and puny. Mr Erskine, a judge in such matters, expressed to Lady Fitz-William a hope that the child "had plenty of good warm flannel about him?" "I fear none at all," was the reply of the inexperienced mother. Then he must beg Lady Fitz-William to send for some at once, and a pair of scissors, and he would show her what was considered necessary in Scotland.

He was obeyed; and, on the spot, the practical Counsellor cut out a comfortable flannel garment for the future Earl.

This was believed to be the smallest, but not necessarily the most contemptible *suit*—considering the palpable benefit to all the parties—in which Mr Erskine had any concern; and as such the incident may be not unworthy of record in a sketch of the great lawyer's career.

[1] *Polton MS.*

The Prince was accompanied on this visit to Wentworth by his brother the Duke of York, and the Dukes of Bedford, Ancaster, and Queensberry, Lords Carlisle, Derby, Rawdon, and others of the Prince's chosen companions. Politically "things had gone well in Yorkshire,"—so Mr Burke wrote to Fox. But when the Prince invited Mr Erskine to go on with him to York to see his horse "Traveller," of which he was proud,—the same that afterwards won for him a stake of 400 guineas at Newmarket, as recorded by Huish,[1]—he saw reasons for declining the honour intended for him. The fact is, as stated by Thackeray, that "the legends about 'old Q.' were awful." He gave a certain tone to every company where he was. Mr Erskine justly considered that he was better at home.

It probably was in his capacity of Lord Advocate to the Prince of Wales that Mr Erskine was required to meet the Prince on this occasion. His services were asked upon another emergency,—namely, to help to entertain the Stadtholder on his visit to this country, a duty which taxed to the utmost the gaiety of Sheridan and the wit of Erskine. Their united efforts scarcely were sufficient to keep him awake. He slept throughout the performance of a play, and gave audible evidence that he slumbered during the greater part of the progress of a State ball.

Lord Buchan writes: "Whenever my father was in London, the Prince appropriated him, and desired he should be invited wherever he went. In the year of the Stadtholder's visit, the Prince, having taken him one night to Drury Lane, saw Henry Erskine in a box near at hand, and sent for him. He was presented to the Stadtholder, His Royal Highness remarking in an *aside*,—'The sleepiest Prince in Europe.'" For all that—as Lord Buchan has related—the heavy visitor was sometimes more widely awake than was convenient for those who undertook to amuse him. For example, "amongst other entertainments provided, he was taken to see Cambridge, where

[1] See *Life of George IV.*, by Percy Fitzgerald, i. 256.

the Vice-Chancellor received him with all formality, and conducted him to service at one of the college chapels. The Stadtholder conversing, when they came out, with the Vice-Chancellor and some of the 'heads' regarding the sermon, asked where the text was taken from, as he had not heard distinctly. No one appeared to know. At last Dr B——, making a guess, said—

"'O,—I think it was from the—2d Epistle of St Jude.'

"'There is but one Epistle of St Jude,' said the Stadtholder.

"'O yes; I—of course—meant the 2d *chapter*.'

"'There is but *one chapter*,' said the Stadtholder."

At a later date (30th Nov. 1790), Sir Thomas Dundas officially informs the "Lord Advocate to the Prince of Wales" that "His Royal Highness has reason to suppose that there is an intention to dispute H.R.H.'s right of voting as a peer of Scotland, when the question relative to the last election for the sixteen peers for Scotland comes before the House of Lords. His Royal Highness therefore desires that you, in conjunction with Mr Wight, will make the necessary researches into the merits of the case, and be prepared to defend H.R.H.'s right at the bar of the House of Lords."

Whatever the steps may have been which Mr Erskine took consequent on these instructions, they seem to have been successful; for the Prince voted, by proxy, as Duke of Rothesay at the election of Scotch peers after this date; and the name is still called at all such elections.

It was about this time that Mr Erskine's views turned towards a seat in Parliament. More than once he had entertained the hope of representing the Fifeshire District of Burghs with which he was connected.

The following extract from a letter to him refers to one of these occasions, and the fact that, as yet, he had not made the personal acquaintance of the Duke of Portland, his constant correspondent—

The Duke of Portland to Mr Erskine.

"LONDON, *Tuesday Evcn.* 30 *March* 1790.

. . . . . .

"The prospect you give us of your success in Fifeshire is highly gratifying to the wishes of all your friends, and especially so to myself, who look to it with the interested view of its furnishing me with the means which I have long wished for, of knowing you personally. It is perfectly true that no new or additional motive was wanting to call forth the question of my best endeavours in promoting any object you have at heart; but I am ingenuous enough not to attempt to deny the force of that which I have just stated, and to be proud of the avowal."

It was to one of these incidents of Fifeshire candidature that the story refers which has been related of the excellent old Dr Erskine of the Greyfriars' Church. He was now in his seventieth year, and very frail; but when he heard that his kinsman, Harry Erskine, would be the better of his vote or assistance in Fife, he said he could not face the sea voyage and the discomforts of the crossing from Leith, but that he would just *walk round by Stirling Brig.*

Mr Erskine, following the fashion of all successful Scotch advocates not born to the possession of estates, about this period purchased land and ultimately founded the estate of Ammondell in the Kirkhill district — a mile or two from the old house of Uphall, where he and his brothers passed their childhood. The property consists of a long strip of land lying along the beautiful valley of the Almond. It appears that in the first instance Mr Erskine purchased the lands called the West Croft of Kinpunt, in the parish of Kirknewton. About the same time, as shown by the deed, he "excambed," or exchanged, these lands with his brother the

Earl of Buchan for parts of the farm and mill of Clapperton-hall[1] (lying in the adjoining parish of Uphall), which formed a portion of the entailed lands and barony of Strathbrock and Kirkhill, belonging of old to the Stewart family. Mr Erskine had, it seems, been in possession of this property, which he called "Ammondell," some little time before the date of the "contract of excambion" with his brother.

There can be little doubt that the object of this friendly exchange was that he and his family might possess some portion of the ancestral lands without detriment to Lord Buchan's estate.

When the property was acquired by Mr Erskine it was bare and not over attractive; but the site was one peculiarly in accordance with the ideas of the idyllic poet. A more retired and peaceful spot could not be imagined: here he built his house, which he designed should be a development of the *cottage* he had so often dreamt and sung of, placed on the banks of a babbling stream, which in winter was a raging torrent; in the midst of fleecy flocks and lowing herds. This was in truth the carrying out of a poetic fancy. The situation of his house had little to recommend it, in its original state, except on the score of perfect retirement, so dear to an overworked man: of view there is absolutely none.

Lord Buchan, whose whole life was set upon a hill, expressed his amazement that his brother should have selected such a spot for his house.

"Why," said his lordship, "there is actually *no prospect* whatever;" to which Mr Erskine replied—"You forget, my dear David, that I have always the *prospect* of your estate."

The house was originally a handsome villa of one storey, designed in the Italian style, and was added to from time to

[1] Clappertonhall is a little way up the river from Ammondell, in the direction of the site of the very ancient building at Pumpherston, which had belonged to this family, and which Dr Somers, writing in 1838, says, had "long been in ruins, and lately entirely removed."—See his *Account of the Parish of Midcalder.*

time, but never in height, till it spread to its present wide dimensions. For many years of his life, building and the planting of his estate were Mr Erskine's chief amusements.

Simultaneously with the great convulsion in France, and apparently arising from similar causes—namely, protest against arbitrary government, consequent upon the superior enlightenment of the age—a revolution of greater importance to those immediately concerned, began to develop itself in Scotland. This consisted in a strenuous effort by the burgesses throughout Scotland to obtain a reform in the system of internal government of the Royal Burghs. The subject is of comparatively little interest of itself; but as the scheme of reform advanced, it had an important bearing on the opinions of Mr Erskine. His dealings in this matter show in a strong light the policy he was led, by circumstance, to adopt at a critical juncture of the public affairs of this country.

It was sought to effect this reform by means of a Bill in Parliament, prepared by a committee of delegates appointed by the burgesses of the burghs under the sanction of the Convention—that is, "the Convention of Royal Burghs," an institution dating from the time of King James III., and which has ever been a highly respectable and useful body. The endeavours made by the several burghs, through their delegates, to reform themselves, were highly creditable. Nor were the exertions made to this end uncalled for, as may be gathered from one or two facts connected with the localities with which Mr Erskine had to do. The facts, it may be premised, are unquestionable, seeing that they were supplied by the burgesses themselves, by means of returns furnished in accordance with a resolution in Parliament to that effect.

A compilation of the substance of these returns is extant, and affords a curious record of the manner in which municipal matters were managed in the old time. It is unfortunate that the reports have not been printed entire. Such parts

as have been made public go far to support the views which have already been stated regarding the knack of graphic description, which was so common in Scotland at one time. It is perhaps only in accordance with human nature that when such a tempting subject as the iniquities of local magnates presented itself, the highest talent available was engaged for the occasion. In many instances full justice is done to the subject in a very effective and quaint phraseology.

In every burgh, with scarcely any exception, it seems to have been the custom for the Town Councils to elect themselves—that is, the authority was in the hands of a few persons who, retiring by rotation, were voted back by their brethren in office, with unbroken regularity. The evils of such a system are but too obvious. At Dumfries, for example, which was represented by Mr Erskine in Parliament, according to the "set," or constitution of the burgh, dating from the fifteenth century, the Council should be elected from "the *best* and *worthiest* indwellers of the town." At the date of the return it was stated there were in the Council "men of little knowledge or substantiality;" in short, "alimentary pensioners and downright bankrupts." In the hands of such men acting under unscrupulous provosts, it was alleged that town lands, at one time extending to some 3000 acres, had dwindled down to about 150 acres, of the annual value of little more than £200. The burgesses go on to trace very precisely the lands once belonging to the town, now in the possession of the heirs and disponees of former chief magistrates—the inference being that "when these gentlemen were in office, the common good suffered these demembrations."[1]

[1] *Substance of the Reports of Grievances transmitted by the Committees of Burgesses of Different Burghs, &c.*, pp. 55, 56. In the Report from Glasgow, it is stated, "that in 1691, *on a supplication of the then Provost of Glasgow* to the Convention of Royal Burghs, a whole barony of lands called Provan, and others, were allowed to be sold for payment of debts contracted by *the misapplication and dilapidation* of the town's patrimony *by former magistrates, who employed the common stock for their own sinistrous ends and uses.*"

At Crail such "demembrations" were even more barefaced.

It would be difficult to give a better illustration of what is understood by the American term, "a ring," than that furnished by this system of self-election. In the case of the introduction which became necessary, from time to time, of new men into a town council, it is apparent that some caution was needed to insure the right sort of man being elected, and one who would zealously stand by the established system under which a minority in the Council agreed in all cases to coincide with the majority *in the Council-room*, the sense of the rulers having been taken privately beforehand. This was technically known as the "Beautiful Order;" and some little ceremony befitting the solemnity of the engagement was observed on the occasion of a new man being brought in, and, indeed, on every occasion of election. Thus a Perth bailie, already in office, is described as calling in "from the channel" to his shop the selected individual, where he told him, *after taking off their hats*, that he behoved to promise to stand by the majority of "the guild side" in all matters of election. This form, and the *giving of the right hand*, were, it is stated, looked upon as *binding as an oath*.

In one burgh in the north the Government had thus fallen into the hands of what was styled the *Auld Eight*, one of which venerable body, it is reported, had been in the Council for "upwards of half a century, and might be said, like the system of Burgh government itself, to have *stood the test of ages*." But, as was said by one report, "the office of Councillor may, without any stretch of language, be called an office for life, and the power of the Council itself perpetual, incapable of being attacked or destroyed by any force except that which nothing human can resist,—a division against itself."[1] "Self-election," writes another reporter, "is the primary cause of all our complaints, and from it all our grievances spring as *rivulets from a fountain*, seeing that

[1] Ibid., p. 17.

the majority transmit the power of election from *generation to generation.*"

Then the billeting of soldiers has always been found a fruitful cause of complaint by those on whom the duty was laid. This matter seems to have been managed with much partiality in some instances, so that those whom it was considered desirable to protect from the evil were sometimes described as "being in a state of beggary," and others "so little removed from it that it is great cruelty to both parties—the soldier and his miserable host—to give *billets* on them."[1] All complainants against this barefaced roguery, it is stated in one report, meet with redress "in proportion to the Town council's opinion of them."

Again, over-taxation, and rates laid on without the payers being aware of the principle upon which the rate was levied, appear to have been common subjects of complaint, as well as the arbitrary imposition of *stent*,[2]—an assessment for local purposes; and a system of doubling the amount of cess called for by law, while only the correct amount was credited to the Government. Even in Edinburgh, statutory penalties, such as fines, were levied in a similar manner; and it was asserted that

[1] Ibid., p. 114.

[2] This assessment was apportioned by an official styled the "Stent-master," whose proceedings were often in a high degree arbitrary. It is narrated that a former minister of North Berwick, Dr G——, on one occasion turned a few sheep into the churchyard to fatten on the rank vegetation often to be found in such places. James S——, a "writer body," and Stent-master of the burgh, instantly assessed the Doctor for *stent* in respect of his occupation of the land, probably on the plea that he was a "liferenter." The minister, at a warm interview with the active office-bearer, indignantly refused payment, contending that he was not the *occupant* of the ground.

"But, Doctor, ye'll alloo that the sheep are yours?" urged the lawyer.

"I am glad to say," replied the minister, "I am, *as yet*, neither tenant nor occupant of the ground."

"Weel, Doctor, I *do not understand* ye."

"James," replied the Doctor, with much dignity, "I am here to give you *information*,—the Almighty only can give you *understanding*."

in ten years £3943, 11s. 4¾d. had been "extortioned" by such unlawful means, as was admitted by the magistrates themselves.[1] Curiously enough, it appeared that it was only in the power of Parliament to grant a remedy for all this mismanagement; for it had been determined by decision of the Court of Session, that "there was no judicature in Scotland competent to deal with it.[2]

It was to introduce a much-needed reform in municipal affairs, and to put an end to these abuses, and many others of a like nature, that the standing Committee already mentioned, of which Mr Erskine was a member, was appointed. Mr Graham of Gartmore seems to have been permanent chairman. Between him and Mr Erskine there appears to have been perfect unanimity of feeling on the subject in question. The subject was discussed in Parliament on more than one occasion; Mr Sheridan, who was chairman of the London Committee "for the Regulation of the Internal Government of Royal Burghs in Scotland," taking a considerable interest in the

[1] *Historical Register*, November 1792, p. 188.

[2] Ibid., November 1792, p. 186. This was a subject much too good to escape the pens of contemporary poets; a Bailie is represented as declaiming in these terms:—

"Reform, forsooth!
How could they think that we could cast away
Our glorious privilege on a King's birth-day,
Our cheering hopes for all our near connections,
Our social meetings at our own elections,
Our nappy, toddy, and our favourite dishes,
Our mutton-chops, potatoes, loaves, and fishes?
. . . . . .
Ungrateful crew! dissatisfied with men
Whose talents brought them into human ken.
Nay, gentlemen, 'tis something to our credit
That we have gear—*whatever way we made it.*
And farther, gentlemen, it may be noted down,
Scarce one of us is native of this town."

—*Patriotism Exemplified; or the Burgh Councillors.*

matter. But while the Committee was appointed for the express and only purpose of effecting a reform in the management of burghs, there appears to have been a tendency on the part of some members to wander from the subject proper to themselves, and to introduce the discussion of political matters with which the country was then disturbed. It is evident that Mr Erskine was much exercised by this tendency to diverge from the business of his Committee, and he, on more than one occasion, endeavoured to give a more loyal and healthy tone to their proceedings, by pressing for the insertion in their minutes of such entries as the following, moved, as he expressed it, "by a consideration of the temper of the times, and in order strongly to mark the unshaken loyalty and constitutional principles of the burgesses of Scotland:"—

"That the burgesses feel the greatest satisfaction from reflecting that the object at which they aim, of correcting the abuses in the administration of the Royal Burghs, by restoring their ancient internal government, has not the remotest tendency to alter or infringe, in any respect, the political constitution of their country, which they hold in the highest veneration, and are determined to support; for although, from the operation of time, and the spirit of arbitrary reigns, some defects have arisen, and some deviations from original principles have been introduced, and particularly the present abuses in the internal government of the burghs, so adverse to their original plans and policy, yet these errors and abuses admit of an easy remedy, in the most perfect consistency with the established form of the constitution of this country—a constitution which, by the security it affords to private property, and the protection it extends to personal liberty, and to every essential right of the subject, is, in the humble opinion of the burgesses, that political constitution which, of all human establishments, is the best calculated to preserve the public tranquillity, and at the same time to promote the prosperity and happiness of the

people,—the ultimate end of all governments."—*Unanimously agreed to.*[1]

A "resolution" still more strongly worded was submitted and carried by the Honble. Henry Erskine, Dean of the Faculty of Advocates, at a meeting of the *London* Committee, which was composed of many of the most influential members of Parliament, and others connected with Scotland; it also contained, besides the Honble. Thomas Erskine, M.P., several of the original members of the "Society of Friends of the People," Richard Brinsley Sheridan, M.P.; Mr Lambton, M.P.; Lord Maitland, Lord Daer, the Honble. Major Maitland, &c.;[2] so that Henry Erskine was only using a little prudence and his usual common-sense in thus displaying the loyalty of the Convention in the strongest possible light, well knowing the unpleasant notoriety which attached to all Associations of the nature of that to which his brother had recently sought to attach him, as will be mentioned shortly.

Mr Erskine's feelings with regard to the more important matter of Parliamentary reform, it may be understood, were as acute as those of any reformer of them all; but it will be gathered from the bare sketch of his transactions in the matter of Burgh reform that he held firmly the idea that to agitate such a matter at that particular moment would have been in the last degree dangerous.

In March 1792 the subject of Scotch Burgh Reform was brought before Parliament by Mr Sheridan, whose views were supported by Mr Fox. The Lord Advocate, however, and Mr Secretary Dundas, opposed the motion for a Committee to examine the petitions of 50 out of the 66 burghs of Scotland. The motion was lost by a majority of 42. This, it will be understood, was from no doubt of the justice of the cause, but

[1] *Memoir concerning the Origin and Progress of Burgh Reform*, pp. 108, 109.

[2] Ibid., p. 137.

from the feeling shared by Mr Erskine, that in the present excited condition of the country, "Reform," in its wider sense, to which this might lead, was a subject which could not be touched upon without grave peril.

Most of what has been said regarding the efforts for Burgh reform, in which Mr Erskine was so deeply interested, has been gathered from a memoir, already referred to, of the origin and progress of the proposed amendment in burgh matters, compiled by Mr Archibald Fletcher, advocate, who had throughout these transactions taken such a large share of the work, that it was afterwards thought that he, with Mr Graham of Gartmore, the permanent Chirman, had been the sole movers in the project. It was partly to correct this erroneous impression that Mr Fletcher compiled, and made public, the goodly volume containing the record of their proceedings.

Henry Erskine's views regarding the absolute necessity of preserving the country from disquiet being so pronounced, as has been indicated, it is obvious that, before connecting himself with any association for whatever purpose brought together, he would satisfy himself of the impossibility of himself, or it, being involved in any of the movements then on foot, of a tendency to disturb the peace of the nation. In fact, as will be noticed from the following letter, in which he expresses himself very plainly regarding what he considered to be an unwarrantable departure from the principles of the Convention of Royal Burghs, of which he was a member, he leaves it to be inferred that a direct promise had been made that the Committee and their constituency, the burgesses, should on no account mix themselves in such questions irrelevant to the matter they had taken in hand.

The letter, though long, is given nearly entire, seeing that it explains what was the leading motive in Mr Erskine's conduct in public affairs at this time. The proposal to which Mr Erskine takes exception, no doubt, was that the Committee for Burgh reform (or the Convention itself) should form a

connection with the Association of Friends of the People, which included most, if not all, of their London supporters.

Mr Erskine to Mr Archibald Fletcher.

"BONNINGTON, Six o'clock, *Friday Morng.*

"MY DEAR SIR,—I do not recollect that I ever was more astonished than I was at receiving your letter. That any body of men should sit, as the Convention did yesterday, and hear a point discuss'd on which not only their own honour, but their existence as a body, depended, and after (*uno tantum dissentiente*, and even that one admitting his error) coming to a determination founded on the most sacred of all grounds,—consistency with their original institution, and fidelity to their declarations, and even compacts with the public,—should think, at a committee meeting, of overhauling the same business in the absence of members who took part in the debate, appears to me totally unaccountable and inconsistent with any ideas that I entertain of honour and good faith.

. . . . . .

"As to the merits of the measure *now* proposed, I am sorry to say that it is impossible for me to accede to it, either as a member of Convention or as an individual.

"As a member of Convention I cannot, because if public bodies can be bound by honour, we are solemnly bound, not merely *to each other* (for that obligation we might release) but to the public, to Parliament, and to many respectable individuals, to confine ourselves to the single object of burgh reform. We have in our publication, particularly the letter from our Secretary to the Minister, directly declared that our object expressly excludes a Parliamentary reform, and this is used as an argument to induce him to support us. We have authorised our friends in Parliament to make the same declaration in our names; and you know that, by the same assurance, the support of private individuals of great respect has

been obtained. As a member of Convention, therefore, I feel myself bound in honour to adhere to those solemn declarations, and I feel that, without the grossest breach of faith, we cannot act otherwise.

"As an individual, I am under the necessity of saying, and I say it without reserve, that were the Convention to meet again to-day as full as it did on Wednesday, and, upon the facts you mention, were to adopt the views of those gentlemen who propose connecting us with the Association, or even calling a new Convention to deliberate on that subject, I should not hesitate one moment, however unwillingly, to take my leave of the burgesses for ever. For, in the first place, it will be remembered that at a very early part of the business I did, at the request of the Convention, use the whole force of my interest in a very respectable quarter, to procure support to the views of the Convention, on the express condition that they went not to a Parliamentary reform. This declaration was not made by the burgesses *on my account*, for I was then, and am now, a friend to Parliamentary reform. It was then *our* sentiment, and such I stated it to be, and honour tells me that if the burgesses should see cause to shift their ground, I must continue upon mine. Had they originally set out on the footing of a general reform of Parliamentary representation, tho' I should have suggested the hazard in which the extent of the object involved its success, I should have most cordially embraced it in its fullest extent. It was, however, their pleasure to pledge themselves to a more limited system, and having, when in that mind, induced me to answer for their views and objects, I am not one who can afterwards plead a change of *their* sentiments as a warrant for my departure from the most solemn explanation of my own views and theirs, given by their own authority, at their own request.

"Thus far my reasons would operate, even tho' I were a member of the respectable Association with which it is proposed we should solicit a connection. The line I have taken

in that matter would at any rate preclude me from going into either of the propositions stated in your letter. I have said that I am a friend to reform in Parliament, and it will not be doubted that I love many of those gentlemen who have at present associated themselves to obtain it; why, tho' attached to this object, I have declined concurring in the measures that are taken to procure it, I shall not now enter upon. My motives are known and approved by those members of the Association whose characters I most highly respect. But you must be sensible that, having on grounds of conscientious opinion refused to join the Association, at least at present, in any individual capacity, it must be impossible for me to concur, as a member of the Convention, in a union with this same Association, even tho' I thought that nothing else stood in my way. But I repeat once more, that without abandoning every pretension to honour and consistency, the Convention cannot extend their views to a general Parliamentary reform. And therefore, I have no hesitation to declare that their doing so ends all connection between me and them. I am equally clear as to the consequence of calling a new meeting to consider of the subject. I can never deliberate as to whether I am, or not, to fulfil and adhere to the most solemn public declarations which, by engaging the support of individuals, have in fact become a contract of the most sacred nature.

"You say you proceeded yesterday on the idea that the temper of the burgesses at large was not yet prepared for a union, as well as on our want of powers. Alas! my dear Fletcher, is it possible that you do not perceive that, if the burgesses, when under different impressions, authorised their delegates to pledge them in the most solemn manner to a limited object, any change of sentiment can warrant their granting new powers for the purpose of violating the most serious engagements? But whatever the burgesses may feel, my mind is made up. If they adhere to the original bond of union, which was not of my making, but theirs, no considera-

tion shall lead me to forsake them; but if, from a recent change of views, they will move to ground where I cannot, with honour, follow them, and where I think they cannot with honour go, I have no alternative left me but to take my leave. The loss of my small tho' faithful exertions may not be felt; the loss of Gartmore, too, whose sentiments I believe you'll find to be the same with mine, the gentlemen may be prepared to meet; but before they proceed a step farther, I beg them to consider if anything can repay the loss of character that must infallibly attend what I am certain will by all thinking men be considered as a breach of good faith, not only amongst themselves, but with the public.

"I have thus, my dear Fletcher, in great haste, and with a very bad pen, thrown on paper what occurs to me on the subject of yours; I scarcely regret that it is absolutely impossible for me to attend, because, feeling as I do, when I think our honour is concerned, I express myself more coolly on paper. Of my absence, the gentlemen who at so late an hour have brought forward so much new matter, cannot complain, because they kept silence when the subject was debated, and join'd me in getting rid of the very motion they would now support, and they were appris'd of the impossibility of my attending to-day.

"I leave it to your discretion to use this scrawl (if you can read it) as circumstances may require; and beg you'll believe me to be, with real regards, yours most truly,

"HENRY ERSKINE."

It need hardly be mentioned that this letter is not to be found amongst the printed records of the scheme. There is no reason for supposing that Mr Archibald Fletcher himself was a sympathiser with the ill-judged action of the meeting to which Mr Erskine takes exception; on the contrary, there is every probability that these friends were of one mind upon this matter, as they had been from the beginning of the agita-

tion for reform, and that it was in the capacity of Secretary to the Committee that the letter was addressed to him.

It may be inferred, moreover, that Mr Erskine's plain speaking had the desired effect of bringing the ill-advised innovation to an end; for we have Mr Fletcher's own word for it, that the Dean of Faculty's connection with the cause continued, and that he himself was associated in every Convention of delegates, after 1784, with the Honble. Henry Erskine, "a man with whom it was an honour to act, and who, in the variety and brilliance of his talents, left no equal behind him in his own country."

The success of the scheme seemed to be assured when, in March 1793, Mr Sheridan carried a motion in the House of Commons for a select committee, named alternately by each side of the House, to inquire into the petitions of fifty-four Royal Burghs of Scotland.[1] But before this committee could present their report, the French Revolution had reached such dimensions, and the proceedings of the wild Republicans—

> "Serpents contagieux qui des sources publiques
> Empoisonnent les eaux,"

as these enthusiasts were termed by a fellow-countryman[2] —"that multitude of felons and slaves broke loose from their fetters," as the whole French nation was described by English alarmists,—had filled this land with such horror and fear, lest in the frenzy of their new-born liberty they should

[1] It was not until 1833, when Parliamentary reform, with which it had been always more or less connected, had become a fact, that Burgh reform, after many perils and vicissitudes, other than those mentioned here, was finally accomplished. After the Lord Advocate, Jeffrey, had suffered much by reason of it, and "blockheads of Town clerks, and little fierce agitators," on the 20th of August 1833, he writes to Lord Cockburn regarding the Bill: "*If things* go right, I think I shall move on Sunday or Monday. It makes me start when I think of this as a reality, which I have been so long accustomed to cherish as a dream by night, and a vision only in the day."—*Life of Jeffrey*, i. 350.

[2] M. Senac de Meilhan; *Portraits et Caractères:* Paris, 1813.

overrun and destroy the neighbouring countries of Europe, that for a time the very name of Liberty became a bugbear in England. Ostensibly to check the progress of the opinions of the French, war was declared with that nation: the skilful management of the Government, aided by the perfervid eloquence of Burke it was alleged, was effective in attaching the sympathies of the great body of the people to Mr Pitt and his administration.



CHAPTER XII.

SCHISM OF THE WHIGS—POLITICAL ASSOCIATIONS—"FRIENDS OF THE PEOPLE"—HENRY ERSKINE AND SIR GILBERT ELLIOT—THOMAS ERSKINE'S DEFENCE OF PAINE—DUMFRIES TINKERS—TRAGEDY OF GULLANE LINKS—THE AFFAIR OF THE DEANSHIP—"THE TELEGRAPH"—BURNS ON THE DEANSHIP—MINISTER OF CRAILING'S PETITION—SPANISH DOLLARS.

As the French Revolution advanced, its daily progress was watched with the utmost anxiety by all in this country who were interested in public affairs. By some it was hailed as the harbinger of universal liberty; by others it was dreaded as a prelude to the reign of anarchy and possible crime. Thomas Erskine, whose sympathies had been strongly excited by his experiences of the new order of things during his visit to Paris in 1791, was of the first-named party. His views, clearly expressed, were the means of separating him from many of his political friends, chief amongst whom was the Prince of Wales, but the question of self-interest never for a moment affected the conduct of Thomas Erskine when he thought his duty was concerned. On the other hand, doubt and uneasiness were felt by many sound Whigs of Sir Gilbert Elliot's sensible school at the possible danger into which the policy of Mr Fox and his followers might lead the nation. The differences of opinion upon the question of the course of action most advisable at this time were so strong as to cause what has been styled the "Schism of the Whigs."

A result of the agitation was, that early in the year 1792 was formed a combination of the most active of the Whig gentlemen, entitled the "Society of Friends of the People, associated for the purpose of obtaining a Parliamentary reform." Thomas Erskine was among the first members of this Association, originally not above fifty in number—of whom the names of a few of the more prominent have already been given—consisting principally of persons of rank, talents, and character,[1] many of the most respectable gentlemen in the kingdom, and several members of Parliament.

As at first constituted, the objects aimed at by the "Friends of the People" were by no means revolutionary. They began by publishing a very minute account of the state of the representation of England and Wales, the substance of which was afterwards embodied in their petition presented to the House of Commons by Mr Grey, on the 6th May 1792. In it they asserted, amongst other things, that 84 individuals did, by their own immediate authority, send 157 members to Parliament; and that, besides these, 150 more, making in all 307, were returned to that House, not by the voice of those whom they appeared to represent, but by the recommendation of 70 powerful individuals. Thus the total number of patrons was 154, who returned a decided majority. These statements, the Society observed in their petition, they were ready to prove at the Bar.[2] They likewise professed to be able to prove that no less than 150 members owed their elections to the interference of peers; also, that they had evidence that 40 peers, in defiance of the regulation of the House of Commons, had possessed themselves of so many burgage tenures, and obtained such an absolute command in very many small boroughs in the kingdom as to be able, of

[1] *A View of the Causes and Consequences of the Present French War*, attributed to Lord Erskine in *A Defence of the People, in reply to Lord Erskine*, 1819, p. 83. Elsewhere it is said "one hundred members."

[2] *Public Characters*, i. 428.

their own positive authority, to return 81 honourable members.[1] From the first the Society declared that the preservation of the Constitution was their uppermost thought,—the foundation of all their proceedings; and that their object was to restore the representation of the people to that state which was contemplated in the Constitution.

Prior to the combination of the Friends of the People, there had been in existence several associations of Revolutionary Reformers, included in the ranks of divers so-called "Constitutional," and "Corresponding societies;" these, by no means satisfied with the objects the "Friends" had in view, openly opposed them, even proceeding so far as to attribute corrupt motives to the leaders of that association.

Sir Gilbert Elliot wrote at this time that there was nothing upon which the members of Thomas Erskine's Association were so sore "as the imputation of any connection with, or resemblance to, Paine or Horne Tooke's followers; and *these* were quite ready to reject them in their turn."[2]

There was no man living more fully aware of the necessity for correction of abuses in the system of representation, which had become flagrant, than was Henry Erskine. He perfectly understood all the evils complained of, and as an acknowledged leader of the popular party, he could not be indifferent to their existence. But far before the reform of Parliament, he valued the freedom of the nation from the horrors which were seen in progress at no great distance from our shores; and however willingly he would have helped in a cause so just in quiet times, he held strongly to the opinion, and acted upon it, that it was the duty of every loyal citizen to set his face against anything which, at this most critical moment in the nation's history, might provoke discussion in which the Con-

[1] *Proceedings at an Extraordinary General Meeting of the Society of the Friends of the People.* Held at Freemasons' Tavern on Wednesday, 9th April 1794.

[2] *Life and Letters of Sir Gilbert Elliot*, by his great-niece, the Countess of Minto (1874), ii. 20.

stitution might come under review. In the House of Commons when the subject of petition for Reform was mentioned, the emphatic word of warning had been given by Mr Burke —"Is there not an avowed party in this country, whose object it is to overthrow the Constitution? There is such a party. I know it."

Unnecessary discussion of any kind at this moment Mr Erskine looked upon as the letting in of water, which might become a torrent beyond man's power to control. This steady loyalty and unswerving opposition to anything that might threaten danger to the institutions of our country, is shown in the letter here following, as well as in the "resolutions" already mentioned, which he had the skill to get adopted. These, till we have the clue of the perilous times that called them forth, appear to be *àpropos* of nothing, and abrupt interpolations. In truth he was not only loyal in himself, but the cause that loyalty was in other men.

It was in the midst of this period of excitement, which immediately preceded the declaration of the Society in Parliament, that Thomas Erskine addressed a letter to his brothers, strongly urging them to side with him in the efforts he was making in the cause of Parliamentary reform, and inviting them to join the Society formed with this object. He writes thus to the Earl of Buchan :—

"*April 27th.*

"MY DEAR BROTHER,—I daresay you have heard of the new Society, associated to bring about, by petitions to Parliament, and by enlightening the nation, a reform in the representation of the people, keeping the great landmarks of the Government, and seeking only to preserve and render it respectable. I have, after serious reflection, become a member; I am quite sure nothing less will save the country. In completing the original body, each member has leave to name two non-resident members, and my wish is to name you and

Henry; we have never yet come forward together, and I like the "Tria juncta in uno" in a good cause. We subscribe a declaration, which amply distinguishes us from the Republicans nursed up by the corruptions of our Government; our intention being to preserve it. Charles Grey, member for Northumberland, gives notice that he shall move early in the next Session, and I am requested by our Society to second the motion. Let me know what you think of it."

What reply to this the brothers may have made is not known, though Sir Gilbert Elliot wrote to his wife that "our neighbour, David, Earl of Buchan, is one of the number"[1] of recruits. It is, however, very obvious from the following letter of Henry Erskine's, what the tenor of *his* answer must have been. Loyalty and common-sense are in every line of it:—

Mr Erskine to Sir Gilbert Elliot.[2]

"EDIN., 14*th June* 1792.

"MY DEAR SIR GILBERT,—As there is no person with whom I stand connected by blood, friendship, or political party, for whom I have a more sincere respect, or to whom I feel a

[1] *Letters*, ii. 26.

[2] Sir Gilbert Elliot, fourth Baronet of Minto, was born 1751. He was the companion of Henry Erskine at Edinburgh College. The career of this distinguished statesman is well known, thanks to the very admirable work of "his great-niece the Countess of Minto." "He was for many years a leading figure in the House of Commons, and afterwards in the House of Lords. His eloquence obtained the admiration not only of Burke, but also of Fox; he was a sure member of any Whig Administration that could have been composed from 1784 to 1794; he was twice the party candidate for the office of Speaker; he governed India first as President of the Board of Control, afterwards as Governor-General. In all these undertakings he gained the admiration of friend and foe alike." —*Quarterly Review*, July 1880, p. 2. Sir Gilbert Elliot was created Baron Minto in 1797. The relationship referred to by Mr Erskine arose from Sir Gilbert's mother and Henry Erskine's grandmother having been both of the Dalrymple family.

more sincere attachment than yourself, you will easily believe that I could not chance to differ from you on any point of great importance without particular concern; and that, on the other hand, I must receive a very great degree of satisfaction in finding that on any point of consequence my sentiments coincide with yours." I therefore embrace with eagerness the opportunity your friendship has afforded me, of giving you my opinion and determination on the very important question that at present so unfortunately divides our political friends.

"For myself I have ever been of opinion, that however excellent the principles of our Constitution may be, it certainly admits (particularly in respect to Parliamentary representation) of many very salutary amendments; and whenever, at a *proper time*, and in a *proper mode*, there shall be brought forward a plan of reformation in that respect, it shall meet with my cordial support. But I am decidedly of opinion that this is of all others the most improper *time* that such a plan could have been suggested, and that the mode adopted is in the present conjuncture the most unfortunate that could have been devised. Tho' I rejoice in the downfal of despotism in a neighbouring kingdom, and am by no means certain that, wildly democratic as the system which has been substituted in its place may appear to be, it was in the situation of that country avoidable; yet I am perfectly certain that it has excited in the minds of many men in this island ideas on the subject of Government highly hostile to our happy Constitution, and which, if not repressed by the firmness or moderated by the address of its real friends, may lead to consequences of the most dangerous nature. At such a time, therefore, that *general* complaints of the defects of the British Constitution should have been brought forward from so respectable a quarter, I most sincerely regret; and I still more seriously lament that the remedy proposed has been left so vague and undefined, and however, in other times and circumstances, I might have been inclined to join the respectable Association,

who from the purest motives have stirred this business, I have been under the necessity of not adding my name to the list, tho' my attention was called to the business by my brother Thomas, with whom it must naturally be my desire to act so far as my own feelings of duty or prudence will permit.

"I am satisfied that the vague and indefinite nature of the resolutions of that Association will lead all those whose wild and extravagant notions on the subject of Government are taken from, or at least inflamed by, several late publications, to join in a general cry of Reform.

"They will grapple themselves close to the Association till they find (which I trust they will do) that the objects they have in view fall short, very far short, of the high democratic notions to which I have already alluded, and thus two very serious evils will arise: first, a flame will be exerted in the country which the exertions of the Association will in vain attempt to extinguish; and, secondly, those very individuals who, independent of their being so committed, would most probably have been able to quiet the minds and moderate the exertions of the wilder reformers, will find that they have lost the confidence of the lower ranks of the people, by means of which they might have been able, at some future period of a different complexion, to have obtained by means of the moderate sound of the public voice that rational degree of reform, of which I have already said I really think that our Constitution would admit.

"Under these impressions, I have resolved (tho' without any change in my abstract sentiments on the subject of reform) to join in no public exertion towards it in the present delicate situation; but on the contrary, so far as I may have any influence, to exert it for the purpose of moderating the violent spirit of innovation I perceive with regret to be rising even in this part of the United Kingdom; and so far as lies in my power, to prevent all my friends who, like myself, are attached to a moderate and Constitutional reform, from exerting them-

selves to obtain it at a period when their endeavours would not only lead to a very eminent political danger, but might tend to preclude the hope of obtaining in safer times those meliorations of which I think the Constitution of this country stands in need, and would admit of, to the effect of renovating instead of improving the admirable foundation on which it rests.

"I have thus, my d^r. Sir Gilbert, tho' very pressed as I am with the hurry of business, thrown out my ideas on this important subject. I know not precisely how your ideas on the general subject of reform may stand, but I have the satisfaction to think that our line of conduct will be the same. I shall be happy, with your leisure and with mine, which is now fast approaching, to communicate more particularly on the subject; and in the mean time, with respectful comp^ts. to Lady Elliot, and kind love to the young folks, I remain, my d^r. Sir Gilbert, your very affectionate and faithful serv^t.

"HENRY ERSKINE."[1]

The more moderate party of the Whigs, who sympathised with Mr Erskine in this matter, and who included in their number Sir Thomas Dundas, Sir Gilbert Elliot, and other steady politicians, were the stay of the Duke of Portland at this time. It was about the same date that Sir Gilbert informed his wife "Harry Erskine has written to the Duke in terms which have given him great satisfaction. . . . I did not see his letter, as the Duke had lent it to Lord Stormont."

A little earlier than this Sir Gilbert Elliot had written that Mr Pitt had expressed his satisfaction at the disposition shown by the Duke of Portland's friends,—who had by this time acquired for themselves the title of the "Anti-Reformers"—to co-operate for the preservation of tranquillity. Further, in the course of these excellent letters, we read how several of

[1] This letter is given from the first draft in Mr Erskine's handwriting: the original letter, it appears, is preserved in the Minto family.

the members of the Association became tired, and not a little ashamed of it; and how, for instance, the secession of *five*, including Lord John Russell, is recorded as having taken place at one time.

In the year 1792 Thomas Erskine gave the most effective proof of his devotion to what he considered to be his duty, and of his high sense of honour as an advocate. The occasion was the trial of Thomas Paine for the publication of the second part of the *Rights of Man*. Although it was impossible that there could have been any acquiescence on his part in the offensive expressions made use of in the book in reference to members of the royal family and monarchical government generally, yet he considered that he had no option in the matter of accepting the retainer when offered to him. Against all advice, and in spite of messages from the Prince of Wales, in whose establishment he held the office of Attorney-General, he adhered to his conviction that he was doing his duty. Though Paine was found guilty, Mr Erskine's defence had the effect of mitigating the consequences of his client's crime. Shortly thereafter Thomas Erskine was removed from the post he held in the Prince of Wales's[1] service. The letter of Lady Anne Erskine, which follows, shows the extreme anxiety which she and her correspondent felt lest their brother and nephew should have in any way imbibed the doctrines of the individual whom he had assisted with such determination in defending, and in whose behalf he had spoken so eloquently.

[1] The Prince of Wales had afterwards no difficulty in seeing the chivalrous conduct of Mr Erskine in its true light, and in making what was handsome reparation. He was sent for, and personally informed that the office of Chancellor to the Prince of Wales had been revived in his favour, after having lain dormant since the reign of James I., Lord Bacon having been the last holder of the office in the service of Prince Henry. This appointment, the Prince informed Mr Erskine, had been kept for him until he should be of age sufficient to be eligible for it.

The feeling which leads a true actor or an enthusiastic advocate to identify himself with the part he undertakes, or to put himself unreservedly in the place of his client, as well as the amount of opposition he was obliged to encounter, had no doubt some share in inducing Thomas Erskine to make this cause his own, even after he had brought it to a satisfactory conclusion; or it may have been that the freedom of speech he allowed himself was partly attributable to that spirit of drollery and mystification which at this time prompted him to adopt, or threaten to adopt, after his trip to Paris, various Republican fancies, such as a Jacobin red uniform, with revolutionary buttons, puzzling and alarming to his friends.

There was also in the minds of these good women a well-founded dread of those political Societies with which Thomas Erskine's name had become associated in men's minds, but which he afterwards saw reason to discountenance.[1] It will be seen that it was not long till his sister began to be somewhat reassured—perhaps to feel some pride—on his account.

Lady Anne Erskine to Mrs Elizabeth Steuart.

"SPA-FIELDS, *Decr. ye 18th* 1792.

"MY VERY DEAREST AUNTY,—Fourteen years ago[2] this was to me a day of sorrow. *This* year it has been a day of anxious solicitude to my heart for the Lord to be with my

[1] Many years afterwards, when Lord Erskine was taunted with the accusation that he had fallen away from the high position he had occupied at one time as a Reformer, and left in the hands of others the schemes for Parliamentary reform he had once planned, he was even then (1819) constrained to enter into explanations. Lord Erskine describes how "the bolder and more enlightened Reformers, who had suspected and calumniated himself and his more moderate Whigs, organised a general system of correspondence, in terms so rash and incautious—in many instances, indeed, so criminally and dangerously licentious—that their papers were seized by Government, and a few amongst them selected as their leaders were taken into custody by warrants from the Secretary of State." —See *A Short Defence of the Whigs*, p. 11.

[2] Agnes, Countess of Buchan, her mother, died in 1778.

d^st. brother, and give him wisdom, that he might err neither on the right hand nor on the left in the very critical situation he stood in, in pleading Payne's cause. It is *just* over. My b^r. I am informed, spoke three hours and a half and 7 minutes, and acquitted himself most ably. Express'd himself in terms of the highest respect and loyalty for the King, the royal family, and the Constitution. The liberty of the press and a free investigation of truth was all he contended for; and on this head, I am told, he spoke of God and of truth, the liberty of the pulpit, as well as of the press, in terms of the highest reverence. This is all I can tell you, and all I have heard, and the post is just going out; the acclamations of the people were very great, and they took the horses from his coach, and drew him from Cheapside home to Serjeant's Inn. Payne was convicted. The judge was going to give the jury a charge, but they said it was unnecessary, and brought him in guilty of a libel. I give you no margin to this letter, for I mean it merely for your own perusal, for I make it a settled rule never to speak or write of politicks wch. I am not called to meddle with; nor have I read a newspaper since last June was a year. I only write this to satisfy you that my b^r. said everything of the King and Constitution that was proper, as you may hear reports to the contrary.

"My love to all with you, and believe me ever most affect^ly. yours, A. A. E."[1]

Mrs Mure of Caldwell writes the following description of him, Thomas Erskine, at this time:—

"22 *October* 1793.

"I saw Thom. and his family pretty often, and had he not been *so very daft about Thom. Paine* and such like, he is a charming, entertaining creature, and by much the happiest man in London; and he thinks he is right, and can make

[1] *Coltness MS.*

himself believe everybody he takes to all right. . . . He himself is the best-looked, young-like creature I ever saw—is like Harry's son, not like the father of grown-up children. They are both very attentive to Lady Anne, but he has little time for any attention, yet works and plays himself with *a parrot* as if quite idle."

The state of uncertainty, and terror of what unknown evils were likely to overtake the nation, which prevailed at this time, is amply shown by many of the family letters which have been consulted in the course of this narrative. It was no exaggeration to call it the "Reign of Terror." For example, one excellent lady writes from Woburn on July 6, 1793, to her friends in Scotland: "The times, those awful ones approaching, I have no doubt will have their due effect. Happy will those be that has a safe refuge; had I not in many respects seen the stagnation of trade, and its effects in the last six months, I could not have believed it; yet our God sits at the head of human events, turning evil into good. I was witness to some myself, that had been very high in life, telling me that with the little that was saved from the wreck, they would bid adieu to the world, and henceforth seek their God alone. What little I have is in private hands, as everything is uncertain; but God's will be done, and all will be well done."

Though at the time it was no laughing matter to Watt, Downie, and other conspirators who had planned to seize the Castle of Edinburgh, the banks, judges, and magistrates, and to establish a government of their own, or to the community generally, the Friends of the People and their revolutionary notions became rather a joke with the inhabitants of Edinburgh when they found themselves well out of the wood.

There are various scraps of anecdote still extant regarding this eventful period. They are useful as straws, showing how the wind of political doctrine tended.



THOMAS, LORD ERSKINE.

Lord Chancellor of England.

from the portrait by Sir T. Lawrence.

A worthy old gentleman, now long gone to his rest, who could "trace the line of life backwards" through some sixty years to a time when he was a "callant," used to take pleasure in recalling incidents of this troublous age. Thus he would say: "I mind them [the Friends of the People] well. Once an unbelievin' Baker, and a Teilor body frae Dundee, cam' oot to preach to the collier lads at Gilmerton; and a young birkie gied them a terrible begunk. They set up a table for a pulpit, and many a one attendit for the sake o' the ploy; decent auld women, not a few, seeing, as they thought, twa preachers, weel-put-on, wi' their Bibles under their oxters, followed, hoping to get the benefit o' a word.

"Whilst the Baker addressed the meeting frae the table, the Teilor was busy selling his infidel bookies[1] amongst the crowd. The Baker had just enter't upon the second heed o' his discourse; that in the time of the Israelites the settin' up o' a monarchy was discharged, and had just 'weet his thoomb' to turn up the passage in the Auld Testament, when the birkie cam up. He had seen, as he cam foret, the Laird of G——'s coach warstling up the hill, and he thought he wad see if he couldna fleg the Baker—just for fun. So says he, very cannily, stepping up to the table,—'I'm sayin', chappies, ye had better—maybe—mind yersel's. Here comes *three chaise-fu'* Freens o' the People 'at they're takkin' in to the Em'bury To'booth.'

"Liftin' up their eyes, the pair saw—as they thought—the first o' the *three chaises* at the brae-heed, almost upon them. One glisk was enough. The Baker lap aff the table. The Teilor body and he, castin' the shuin, set aff skelpin' across the country, deil tak the hinmaist. The collier lads flang after them divots—peats—'feckless fules!'—'a bonnie pair!' and siclike; but they never keekit ahint them till they were safe at *the boddom o' a coal-pit.*

[1] "Nice clever books by Tom Paine, the philanthropist."
—*Anti-Jacobin* dactylics.

"Then there was Ceetizen M——. One time he was pittin' up at the 'Black Bull,' he tauld the servant-lass to gie him a cry in the mornin', in time for the Lauder coach. 'But mind ye,' says he, 'when ye chap at the door, at no hand maun ye say, 'Mr M——, it's time to rise;' but ye maun say, 'Ceetizen equal, rise!' and as he took his candlestick, he gied the lassie a bit smack, just for the sake of Liberty, Equality, and Fraternity. But she, puir thing, had forgotten her task by the mornin', and chappin' at the door, crys out, 'Aiqual fittin', rise!'"

"I think it was Citizen M—— that erekit a *gulliteen* in his back coort, and *gulliteen'd* a' his hens wi't."

Thus would the old man *jander* on, recalling his boyish days; for

> "Life all past,
> Is like the sky when the sun sets in it,
> Clearest where furthest off."

It was in concert with Mrs Riddell, and apparently at her solicitation, that Mr Erskine undertook to right a case of hardship, as was his wont. This habit of his of taking up—"without fee or reward," as it was phrased—the cause of the distressed, and using for their benefit the high talents with which Providence had endowed him, was more than any other the cause of his wonderful popularity in Scotland. The Strathspey Fencibles were quartered at Dumfries in 1795. In June of that year the magistrates had made application to the officer commanding that regiment for a party to assist in apprehending some Irish tinkers who had taken up their abode in a house some mile and a half from the town. It is not said how these tinkers had offended against the law. On the party approaching and demanding admittance, they were answered by a volley of musketry from the house, the tinkers firing "rugged slugs and small bullets." Three of the soldiers were severely wounded, but they made a rush at the "position" and carried it; and though they had suffered

thus heavily, it is recorded that they refrained from using the bayonet, on the inmates calling for mercy. One man, and two women in men's clothes, were brought in prisoners,—the others had made their escape. It was found that Sergeant Beaton was badly wounded in the head; John Grant, a grenadier, in both legs; and one, Fraser of the Light Company, had received a whole charge in the arm. Unfortunately one of these men died of his wounds.

John O'Neil, the leader of the tinkers, was brought into Edinburgh for trial: as he was a Roman Catholic, his cause was taken up by several of the Catholic families of Dumfriesshire, who resolved that he should be defended on the ground that he was justified in resisting any attempt to enter his house. Mrs Walter Riddell was deputed to go to Edinburgh with this object. She had no difficulty in inducing Henry Erskine to espouse such a case; but notwithstanding all his efforts, O'Neil was found guilty, and condemned to be hanged. His friends did not rest, however, till they had got a commutation of his sentence, which Mrs Riddell was instrumental in effecting, by means of the combined influence of Mr Erskine and Mr Fox.

Connected with these same Grant's Fencibles a few years later, a melancholy story has been told by more than one writer (Stewart in his *History of the Highlands*, for instance) when describing these times. The incident was the execution of two Highland soldiers of this corps on the Links at Gullane, in East Lothian. As in most of such cases, which were then not uncommon, this deplorable business seems to have been the result of the want of a little tact in dealing with men who had not yet acquired the soldierly instinct. A tradition of this tragedy lingers in the neighbourhood at the present day. The unfortunate men had been found guilty of "mutiny." The Fencibles, it seems, were encamped at West Barns, near Dunbar. It was the custom for the men to make most of their purchases at Dunbar on the market-

day, commissariat arrangements[1] being then of the most primitive description.

On the occasion when the offence arose, the men had been kept, whether purposely or not, unusually long at drill on the market-day. When at last the parade was over, and the soldiers dismissed with a—"Now you can go," some of the men, raw and quick-tempered, unfortunately replied, "It iss high time; the markets iss over." This was *mutiny;* and being in time of war, the offenders were tried, and condemned to be shot.

The place of execution was a spot on Gullane Links, known as "Yellow Mires," easily accessible for the troops at Musselburgh and at West Barns. A great concourse of the country people followed the troops to see the spectacle, among the rest two young girls, Mary Whitson and Mary Home, belonging to the village of Gullane.

The trial and sentence had given much dissatisfaction: and the arrangements for carrying out the execution of the law are described by other witnesses as having been very elaborate and precautionary. The gun-flints had been taken out of the muskets of the Grant's Fencibles—except in the case of sixteen men of the regiment detailed to fire on the prisoners. In rear of those men were posted thirty-two men of the Scots Brigade with loaded arms, with orders to fire on the sixteen should they shrink from their duty. The cavalry were posted behind the foot-soldiers; while in rear of all, the artillery were drawn up with two loaded field-pieces, *the matches burning.* One of the four prisoners tried had been pardoned; another was to be let off upon the ground by the drawing of lots.

[1] "Ye understand me, there was nae such smart ordering of things in the army in these days, the men not having the beef served out to them by a butcher, supplying each company by a written contract drawn up between him and the paymaster before 'sponsible witnesses; but ilka ane bringing in what pleased him,—either trotters, steaks, spar-rib, jiggot, or so forth."—*Life of Mansie Wauch, Tailor in Dalkeith,* p. 120.

The girls who had followed the troops were witnesses of what took place, and described the extravagant joy of the soldier who drew the lot which saved him. One of the unfortunate men they described as tall and handsome, who met his death with much dignity: the other was, they said, "a small man, and *ill to shoot;*" he would not kneel down, but jumped up at each discharge, or flung himself flat on the ground. At this stage the little man called out to his comrades, reproachfully, "Where iss ahl my freen's noo?" A voice from the ranks of the Fencibles replied, "They have taken the flints oot off our firelocks."

When these two girls saw what the fate of the first prisoner was, they — as they themselves said — filled their *daidlies* (pinafores) with dry sand, and waited in terror to see the end. Then—when all was over, and the troops and the crowd were gone—these two children "piously" did cover over with the dry sand the traces of the ghastly morning's work.

The site of this tragedy is marked by a cairn of stones. The well-known picture in the Scottish National Gallery, "Aberlady Bay," by the Rev. John Thomson of Duddingston, must have been taken from a point not far from this place, —a dreary spot enough, where, usually, the silence is only broken by the lap of the waves, or the cry of the curlew.

This part of the narrative of Mr Erskine's career will have been ill told if it has not been made apparent that he stood in the foremost rank of those large-minded men who strove by any means to tide over a most dangerous juncture in the affairs of this country—even placing himself in opposition to some of the chiefs of his party, and for a time, to his own brothers, in his well-meant efforts. While others sought to lead, he tried to restrain—much the harder task, as all are aware who have ever had to direct the actions of their fellow-countrymen.

But notwithstanding all Mr Erskine's strenuous endeavours after peace and tranquillity, when the time came for the Government to adopt measures which in their wisdom they thought

expedient for that end, but in the operation of which some could see danger to the subject, there was no one who spoke out more plainly than he did :—

> "This is true liberty, when freeborn men
> Having to advise the public, may speak free;
> Which he who can, and will, deserves high praise;
> Who neither can, nor will, may hold his peace:
> What can be juster in a State than this?"

The measure which called forth his strong disapproval was the "Seditious Writings Bill," the provisions of which were such as, many thought, might easily be abused. His views on this matter were strong, and, as in a former stage of the national emergency, he was in no degree backward in expressing his opinions. A more timid, or a more prudent man, as regards his own interest, might have held his peace.

Upon this turned the incident which Mr Erskine considered the most momentous in his professional career, leading him to believe that he had, for the moment, lost the confidence of his brethren, whose leader and representative he had been for many years. Nor was it perfect consolation to him to realise the fact, clearly demonstrated, that this estrangement (if it were such) was in no small measure the outcome of unreasoning panic, of which many lived to be ashamed, and little connected with himself *personally*, except in the smallest minds.

> "Whate'er you plan,—
> Whate'er your politics, great man,
> You must expect detraction,
> Though clean of hand and honest heart
> Your greatness must expect to smart
> Beneath the rod of faction."

The truth of this lesson by an unknown poet was fully exemplified in the experience of the Dean of Faculty.

Briefly stated, the facts are in this wise. On the 28th of November 1795, a meeting was held in Edinburgh for the purpose of making a protest against the bills complained of.

At that meeting Mr Erskine, who, it would appear, was not the chairman,[1] was called upon to move the resolutions, nine in number. This he did, notwithstanding his position as Dean of Faculty. The resolutions, besides a loyal statement of abhorrence of the late attack upon the king, embodied the views of the meeting with regard to these bills, and another for the more effectual suppression of seditious meetings, and the restoration of peace.

The country at this time, as has been said, was in a painful state of alarm, in which all parties, probably, were equally involved. Be this as it may, the prominent part Mr Erskine took at this meeting called forth the strongest disapproval of many of the Faculty,—expression of which was conveyed to the Dean in a letter signed by eight members of the profession. Further, it was intimated to him that it was intended at the next election of Dean of Faculty to bring forward another candidate for the honourable office. Seeing that they had re-elected Mr Erskine annually since the year 1785, this procedure was the more severe.

Mr Erskine replied to this in a long letter to the Faculty, which was printed and circulated. The rival candidate whom it was their intention to elect proved to be the Lord Advocate, Robert Dundas of Arniston. Ultimately, at the election in January 1796, that gentleman was chosen Dean, and Mr Erskine deposed by a majority of eighty-five—*thirty-eight* voting for his re-election. The correspondence which passed on this occasion is somewhat lengthy; and interesting at the present day, perhaps more to members of the legal profession than to the general reader; it is therefore given in an appendix.[2] In all that occurred it never was hinted that there was the vestige of a shade upon the unsullied name of Henry Erskine.

[1] "James Mansfield of Midmar, Esq., banker in Edinburgh, was called to the chair;" which he only left for the moment, that the Honble. Henry Erskine, who was called to it, might move a vote of thanks to the Chairman.—See *Caledonian Mercury.*

[2] See Appendix No. V.

The point at issue is, after all, more one upon which the members of the Scotch Bar, of a certain standing, rather than any lay reader, are capable of giving an opinion on the facts recorded, seeing that the question hinges upon a view of the etiquette of the profession obtaining at a time now long gone by. Therefore, instead of offering any ideas on the merits of this case, which could be of no value, I would quote the views expressed by one whose opinions have commanded the respect of all classes in Scotland, as well as in his own profession.

Lord Cockburn, in an elegant passage in his *Life of Jeffrey*, gives more explictly than any individual at the present day would dare to give, his views of this case of the Deanship. In his statement, he includes a declaration of the thoughts of Lord Jeffrey in the matter. The importance of a mature judgment by two such men upon a matter of this sort, in which the action of a body of which they in their time were the brightest ornaments, cannot be overvalued. Their verdict must be received as the opinion of the Faculty when Reason had resumed her sway.

After making mention in connection with Mr Erskine's name of "the deserved reverence for every virtue, for every talent that could be reared in his position, . . . his private worth, and unsullied public honour, . . . and unmatched professional splendour," Lord Cockburn goes on to say in his indignation: "Yet on the 12th of January 1796, this man was deprived of his Deanship on account of his political principles; or, at least, in consequence of his having acted upon them to the extent of presiding at a public meeting to petition against the war. This dismissal was perfectly natural at a time when all intemperance was natural. But it was the Faculty of Advocates alone that suffered. Erskine had long honoured his brethren by his character and reputation, and certainly he lost nothing by being removed from the official chair. It is to the honour of the Society, however, that out of 161 who voted, there were 38 who stood true to justice, even

in the midst of such a scene. Jeffrey was not one of the 'thirty-eight.' There were three or four young men who agreed with Erskine, and who adhered prominently to the policy of his party ever afterwards, but who felt constrained not to shock the prejudices of relations, and therefore stayed away. Jeffrey was one of these. He respected the feelings of his father, and of his first patron, Lord Glenlee. He never repented of the filial deference, but most bitterly did he ever afterwards lament its necessity. He envied the 'thirty-eight,' and always thought less of himself from his not having been one of them. It made the greater impression upon him that this was the first public occasion on which he had had an opportunity of acting on his principles."[1]

Lord Cockburn felt strongly on this subject. He refers to it again in another passage: "Considering the state of the times, the propriety of his presiding at a public meeting to petition against the war may be questioned. The official head of a public body should consider what is due to the principles and the feelings of those he may be supposed to represent; and to the great majority of the Faculty, Erskine's conduct must have been deeply offensive. Still the resolution to dismiss him was utterly unjustifiable. It was nearly unprecedented, violent, and very ungrateful. He had covered the Faculty with the lustre of his character for several years; and if wrong, had been misled solely by a sense of duty. Nevertheless, on the 12th of January 1796, he was turned out of office. Had he and the Faculty alone been concerned in this intemperate proceeding, it would not have occurred. But it was meant, and was taken, as a warning to all others to avoid the dangers of public meetings on the wrong side. The efforts made to prevent young men from yielding to their conviction in Erskine's favour is another striking mark of the times. Jeffrey, Cranstoun, and Thomas Thomson were ardent to vote for him, and never were easy in their minds for not

[1] *Life of Jeffrey*, by Lord Cockburn, i. 94.

having done so. But Thomson was obliged to yield to the wishes of George Fergusson, afterwards Lord Hermand; Jeffrey to those of his father and Lord Glenlee; and Cranstoun to those of the Duke of Buccleuch; and none of them voted at all. The forbearance of these young men was in accordance with the gentleness and propriety of their whole future lives. But what a condition men's minds must have been in, when good men, who had selected them for patronage because they loved them, were not ashamed to exact such sacrifices." [1]

We can readily credit Lord Buchan's remark upon the subject: "I believe this expulsion from the Deanship was a great grief to my father; though, according to his nature, he bore it with a sweetness and equanimity unchanged. *My mother controlled her feelings less.*" On one occasion only, as his son narrates, did Mr Erskine allow himself to make, what was most rare with him, a remark tinged with some ill-nature. He was but human. "At some public Whig dinner at this time the chairman proposed 'the health of the gentlemen of the Faculty who had done themselves the honour of voting for Mr Erskine's re-nomination to the deanship.'"

Mr Erskine rose, and very quietly remarked, "Mr President, would it not be sufficient to propose the health of *the gentlemen* of the Faculty?"

"Probably," adds Lord Buchan, "there was at this period a fear of involving others in the political vortex, for nearly all the correspondence that passed this year has been destroyed; only one letter I find, one of *congratulation* from the Earl of Lauderdale to my father."

Lord Lauderdale to Mr Erskine.

"LEICESTER SQUARE, *Decr.* 6, '95.

"MY DEAR SIR,—I received your public letter as well as your private communication to me on Saturday last. It was,

[1] *Memorials of his Time*, by Henry Cockburn, p. 93.

however, too late for me to write by that night's post, otherwise, I can assure you, I would not have missed taking the earliest possible opportunity of congratulating you upon the event. High as the honour was of being at the head of the Faculty, I am convinced that your conduct, and the manly spirit that pervades your address to the Faculty, will more than compensate for the loss you may sustain should the Faculty degrade themselves by adopting the sentiments contained in the letter transmitted by D. Hume, &c., to the members of the Faculty.

"The delay in my answering your letter, gives me the satisfaction that I have an opportunity of communicating to you, not simply my own sentiments, but of assuring you that Fox, Grey, and others of our friends feel perfectly in unison with regard to the propriety and manly energy of your conduct.

"Independent of the opportunity it has given you of distinguishing yourself, I must confess I deeply regret the circumstance: it is a lamentable thing for a man who had the least feeling about the honour of his country to reflect that the body of men who may naturally be supposed to fill the first place in respect of liberality of sentiment and cultivation of mind, should choose to distinguish themselves by a subservient adulation that hardly the meanest corporation in this country would descend to.

"Your brother Tom has outdone all his former parliamentary exertions this session: since I have been in Parliament, there never has been a man in the profession that conjoined so much admirable legal argument with such brilliancy of eloquence as he has lately displayed upon several occasions. I can assure you that this opinion does not flow either from the partiality of myself or my friends towards him, but the enemy themselves admit it.

"We shall divide strong in the House of Lords. To satisfy your curiosity, I enclose you a list of those I think will cer-

tainly vote if they attend,—and I hardly suspect the absence of any one of them.

"*P.S.*—It is needless for me to say that if your election should, in your own opinion, rest in the smallest degree upon the votes of one or two people, that I will with pleasure go down for the purpose of voting."

Lord Cullen, in a letter, dated 1st February, to Lord Buchan, refers to this business, styling it the "*Elevation* of the late Dean of Faculty," and regrets that his lordship was not present "at the moment of so strange a scene as was then exhibited. No person of any age, sex, or station seemed indifferent to the progress of the Bills, or the situation of Mr Erskine." Further, he speaks of "the Erskines" as "lights in the traveller's path who attempts to tread the ways of honour and liberty." . . . "How animated and exalted a view of human nature," he continues, "is the contemplation of superior talent employed for the benefit of mankind![1] and how unique it is for *three* brothers to attain that pre-eminence!"

Still for a very brief space the small-minded had things their own way. Balzac it is who, writing of popularity, recalls the fact that the Athenians, with whom he compares his own fellow-countrymen, became bored by constantly hearing of Aristides the Just. A certain class there was in Edinburgh who, during this transient eclipse of public favour, made the most of their time to aim petty blows at the once popular leader.

One of the most curious productions of this time was entitled *The Telegraph*,[2] a piece of verse of some length; for as the worthy Dr Doddridge records of an incident in the

[1] Thomas Erskine's defence of Stone, charged with treason, was a chief topic at this time.

[2] *The Telegraph: a Consolatory Epistle from Thomas Muir, Esq., of Botany Bay, to the Hon. Henry Erskine, late Dean of Faculty* (Edin., 1796), p. 10.

history of this family of a very different nature, "this event was the cause of a *great deal of poetry.*"

> "'Tis sweet your foe to aggravate
> With epigrams impertinent."

The scheme of *The Telegraph* is the supposed transmission of a poetical message from Thomas Muir of Huntershill, who was at this time believed to be undergoing at the Antipodes the sentence of fourteen years' banishment pronounced upon him in Edinburgh in 1793 for a political crime, though at or about the time in question the ill-used man, as many thought him, was making his escape from imprisonment. The piece is as ill-natured as could be wished, but not without a few clever hits. It goes upon the plan of an invitation to the late Dean to join the exiled writer in his banishment, and abounds with that species of personality which is intentionally offensive, and now almost a lost art but for the preservation of traces of it in certain French political satires. This is a favourable specimen of the piece:—

> "The vote is passed, and black balls fill the urn;
> The silken gown is from thy shoulders torn
> And all thy titles—all thy honours pass
> To deck the person of abhorred *Dundas.*
>
> Come to the sacred shore, and with thee brin
> All who have virtue to detest a king;
> Bring here M** L**d, the hero of the North,
> And R**th,[1] renowned for gentleness and worth,
> Who flies from Britain, winged with patriot fears,
> To seek for 'peace and freedom at Algiers.'
>
> M** L**d, the judge of style,[2] shall herd our swine;
> R**th shall be butler, for he *drinks no wine;*

[1] The conduct of Robert Ferguson of Raith in this matter has been much misrepresented. Though he was closely associated with Mr Erskine in the events which led to his deposition, he gave no vote in his favour. The truth is, as hinted in these lines, that Ferguson was abroad at the time.

[2] "See his [Gen. Macleod's] speech in the House of Commons for his very

And L**d**d**e, with forward, flippant air,
A pert *frizeur*, shall trim the ladies' hair;

Whilst you, my *Henry*, blest with every grace,
With winning manners and a smiling face,
And skilled in all the elegance of France,
Shall teach the naked savages to dance."

Thus through some five-and-twenty verses does the "geeking and galling at this good gentleman" run on. A reply[1] to this followed, strained and by no means so forcible as the first, lacking, as it does, the advantage of spontaneous utterance,—everything in such a case. It is, moreover, written in Scotch, which must be idiomatic to be effective. In this instance the dialect is not of the best.

Again, Mr Erskine's friend, Burns, must needs improve the occasion, which he did in a copy of verses of considerable power. He was by no means loath to have an opportunity for a cut at Mr Dundas of Arniston, the Lord Advocate, and newly appointed Dean, as he imagined he had met with scant courtesy from that gentleman when a poem was forwarded to him on the occasion of his father's death. Two of the best verses are—

"Squire Hal, besides, had in this case
Pretensions rather brassy,
For talents to deserve a place
Are qualifications saucy;
So their worships of the Faculty,
Quite sick of merit's rudeness,
Choose one who should owe it all, d'ye see,
To their gratis grace and goodness.

. . . . . .

In your heretic sins may ye live and die,
Ye heretic 'Eight-and-Thirty!'

---

judicious remarks on the style of the letters which were lately written by the opponents of the Dean."—Note to *Telegraph*.

[1] *The Telegraph Inverted; or, Lauderdale's Peep at the Author and Adherents of the Telegraph:* Edin., 1796. Both of these pieces were reprinted at Edinburgh in 1825.

But accept ye sublime majority,
My congratulations hearty.
With your honours and a certain King
In your servants this is striking—
The more incapacity they bring,
The more they're to your liking."

The "cooling days," the interval which Bishop Wilberforce thought so efficacious in such cases, was in this instance of the shortest duration.

Mr Erskine had not long to wait for the time when the majority, who had been successful in their efforts to deprive him of the Deanship, were little proud of the distinction their exertions had brought upon them,—a time when, on the other hand, the few, the happy few, "the thirty-eight,"[1] were fain to stand on tiptoe when the day was named on which the envied band had borne themselves like men in presence of ignoble panic.

Only one of Mr Erskine's personal and political associates deserted his principles, and his friend, on this momentous occasion: a man of great worth and learning, who afterwards rose to high eminence in his profession, but (so it was averred) whose respectable future life never removed this sad stain from the memory of either friend or foe. When his name was called, and he gave his vote, the clock happened to strike *three;* on which John Clerk said, with great intensity, "When the cock crew thrice Peter denied his Master."[2]

Lord Cockburn relates another little incident connected with this affair, which is interesting. He says that at the public meeting, for attending which Henry Erskine was turned out of the Deanship, the place in which it was held was very insufficiently lighted: their inexperience at that time, of such assemblies, had made them neglect to take proper means for illumination, so that Erskine was obliged to begin his speech in the dark. "A lad, however, struggled through the crowd with a dirty tallow candle in his hand, which he

[1] See Appendix No. VI. [2] Lord Cockburn's *Memorials*, pp. 92-94.

held up during the rest of the address before the orator's face. Many shouts honoured the unknown torch-bearer. This lad was James Moncreiff,[1] then about sixteen," who, before very many years had elapsed, became himself Dean of Faculty. It is evident that he looked with some pride on the humble part he took on the memorable occasion in question, for, twenty-four years after, he brought it to remembrance when presiding at a public meeting held at the same place.[2]

Closely following on Mr Erskine's dismissal from the Deanship, or it may be, as his family supposed, in some degree in consequence of it, a petition was presented by the Rev. Mr B——, minister of Crailing, on the 9th Feb. 1796, to the President of the Court of Session, praying that Mr Erskine might be directed to refund the sum of four guineas, given to him as a fee, on the ground that he had given no deliverance on the question in respect of which the fee was intended.

The Lords remitted the petition to a committee of advocates for inquiry. This course was, it would appear, irregular; and on the 17th a "representation" of the Dean and Faculty on this action of their Lordships was sent to them, in which it was pointed out that the judges had inadvertently encroached upon the privileges of the Faculty. After a week's consideration, their Lordships owned their error, and remitted the matter to the Dean and Faculty.

Mr Erskine gives in a long answer to the petition, and though Mr B—— considers it "vague and voluminous," the Faculty are (20th June) of opinion that Mr Erskine's conduct has been "unexceptionable," that Mr Brown's petition is "ill founded," and that he has no right to get back the fee; and,

[1] Afterwards a Lord of Session. Son of Sir Harry, and father of the present Baron Moncreiff, and the Rev. Sir Henry Moncreiff.

[2] This seems to refer to "the Circus, head of Leith Walk," where a petition lay for signature on the 30th Nov., as was directed by the meeting of the 28th. —See Appendix No. V.

moreover, suggest the propriety of steps being taken in the way of vindicating Mr Erskine's conduct.[1]

Though these legal gentlemen could themselves ill-treat the most distinguished member of their body, they would not suffer an outsider to do so.

Conscious of the purest intentions himself, Mr Erskine was ready to concede as much to those who had, he believed, conscientiously opposed his public action in the matter of the Deanship. There were instances of this good feeling on both sides, which afford strong proof that there entered into the contest as little of personal motive as is compatible with human nature in such a case. One of Mr Erskine's most intimate friends was Allan Maconochie of Meadowbank: this fact did not prevent him from taking a prominent part amongst "the eight" who were the prime movers in getting up the demonstration against the Dean. Yet after all was over, and much of the bitterness had passed away, we read of pleasant intercourse between Mr Erskine and his friend and neighbour, as before their disagreement. How, for instance, when Maconochie, somewhat vain of his good looks, was sitting for his portrait to Raeburn, who had chosen to paint him with a cap on his head, abundance of good-natured joking passed as to how much of the face might be covered by the cap, with advantage to the painting, and the artist's credit.

Another instance of this kindly feeling is seen in the disinterested conduct of Charles Hope, another of "the eight," to be noticed shortly.

It is so well understood in Scotland, that to be the chosen head of the great body of Advocates, a man must, of necessity, be of mark above the ordinary standard of his fellows, that the title has come to be proverbial. You sometimes hear the phrase: "He will never be Dean of *Faculty!*" as who should say, "He will never set the Thames on fire." So a lawyer who has attained the position of Dean, has by consequence

[1] Minutes of the Faculty.

acquired a reputation for something approaching to omniscient wisdom. His opinion upon all manner of subjects is apt to be sought, the more so if it is to be had in a friendly manner, and gratuitously. In such cases Mr Erskine invariably had a wise and a pleasant answer ready.

About the time when he vacated the office of Dean, there were, from the scarcity of silver, a considerable number of Spanish dollars in circulation in this country as part of the ordinary currency—large handsome coins, bearing the effigy of "Carolus IIII. Hispan: et Ind: Rex." But before issuing these as legal tender for five shillings, the head of George III., a little larger than that seen on silver plate, had been impressed upon the neck of the Spanish king. Though intended to pass for five-shilling pieces, the value was really somewhat under 4s. 6d.

A workman in Mr Erskine's neighbourhood had got one of these coins as part of the change for a pound-note; but being dissatisfied with it as representing five shillings, he had recourse to the Dean of Faculty for advice, and a hint as to how the balance was to be recovered.

Mr Erskine heard the story, patiently examined the objectionable coin, and sympathised with his neighbour as regarded the hardship of the case, supposing his averments to be well founded; but at the same time gave it as the result of his long experience of such matters, that, though his friend might ultimately succeed in establishing his claim, it would certainly be at an expense of money and annoyance out of all proportion to the amount of which he considered himself to have been defrauded.

"But," added the learned gentleman in conclusion, looking at the portraits on the coin, "one thing I will say, I never could have believed that two such respectable persons as these would have *laid their heads together* to do a poor man out of sixpence."[1]

[1] "In 1795 silver was so scarce that the Bank of England, on 6th March, began

There is good reason to believe, that throughout the years of suspense and anxiety which succeeded the French Revolution, when the wisest could not venture to predict what was to be the future of our own country, men of all parties in Scotland were fain to look to Mr Erskine with confidence more or less strong, in the calm moderation and sound common-sense he had displayed when things were at their worst. What has been said of his friend and correspondent, Sir James Mackintosh, may with equal justice be said of him, "he never was a Jacobin,"—nor would he listen to his brother's ardent persuasions to take a more forward position,—and "he never was an anti-Jacobin."

As time wore on it would appear that an idea grew up in the minds of many, that, had the inopportune efforts for Reform been carried into effect—say in 1793—which Fox, Thomas Erskine, Grey, Sheridan, and others had contemplated, in a little time these men and their views, reasonable though these would have been at a less critical juncture, would have been swept away by a clique less scrupulous, composed of the Cartwrights, Hardies, Thelwalls, Tookes, &c., of that age; beneath whom there was a lower stratum still of politicians, Watts, Downies, Despards, &c., all burning to reform the Government,—and possibly the Constitution. In view of such a possible future, the even-tempered and steadfast principles of Henry Erskine could not fail to command respect.

It is well to bear in mind, what is apt to be forgotten, that, clear as the history of the past is to us, it was far otherwise to the actors in it: there was at the period in question a dark

to issue Spanish dollars, having a small head of the king stamped on them, to pass current for five shillings, but which were recalled in September."—*MS. on English Coinage*, by Gilbert Hamilton, Esq., of Glasgow: 1803.

It was probably on account of the deficiency of silver in the coins that they were soon withdrawn. The scarcity of specie was the result, in great measure, of the fear of invasion "operating too powerfully on the ignorant and desponding part of the community" (*Scots Magazine*), leading them to hoard their money, and so deprive the banks of the usual supply.

and heavy cloud hanging over this country, which the most clear-sighted could not pretend to penetrate.

Lord Macaulay has written in regard to the intense uncertainty of those times: "A man who held exactly the same opinion about the Revolution in 1789, in 1794, in 1804, and in 1814, would have been either a divinely inspired prophet or an obstinate fool."[1] The wisest man was he in whom changes of opinion were least pronounced. What was the extent of change in Mr Erskine's views as events developed themselves, we have small means of judging. It is chiefly in this regard that the want of his letters is felt; but it is believed that there is enough in the facts which have been adduced to establish what has been asserted of him, that it was with good reason he was trusted as a leader, for his inflexible adherence to principle, as well as for his systematic avoidance of *extremes*.

[1] *Essay on Sir James Mackintosh's History of the Revolution.*



CHAPTER XIII.

AUNT BETTY AT COLTNESS—ADMIRAL SIR PHILIP DURHAM—ELIZABETH STEUART'S THEOLOGY—HER POETRY—"ON THE GOVERNMENT OF FRANCE"—"THE BOAST OF HARD DRINKERS"—HER "LEGACY BOOK"—"THE LAIRD OF COOL'S GHOST"—AUNT BETTY'S "NARRATIVE OF FOUR CONFERENCES"—HER DEATH.

DURING the last few years of the century the household at Coltness consisted of General Sir James Steuart Denham and his wife Alicia, daughter of William Blacker of Carrick, in the county of Armagh; his aunt Mrs Elizabeth Steuart (the Aunt Betty who has been so often mentioned in this narrative), sister of Agnes, Lady Buchan; and very frequently of Elizabeth, Henry Erskine's eldest daughter, the warmly attached friend of Lady Steuart Denham, as she had been of Lady Frances Steuart. If we return again to this fine old lady, Mrs Elizabeth Steuart, it is perhaps that one is in some measure led thereto by the fascination which this remarkable character seems to have exercised over all who came in contact with her.

Lord Cockburn's description of the class of old Scotch ladies who were beginning to disappear in his day is excellent: "A delightful set—strong-headed, warm-hearted, and high-spirited,—merry even in solitude, very resolute, indifferent about the modes and habits of the modern world, and adhering to their own way, so as to stand out like primitive rocks above ordinary society. Their prominent qualities of sense, humour, affection, and spirit, embodied in curious out-

sides; for they all dressed, and spoke, and did exactly as they chose. Their language, like their habits, entirely Scotch, but without any other vulgarity than what perfect naturalness is sometimes mistaken for."[1] This is applicable, in every item, to Aunt Betty. It may safely be asserted that there never was an old lady more beloved than she, by a wide circle of nephews and nieces, and many others who were fain to take a place in that circle of devoted admirers. There was much that tended to foster this feeling. The memory of her self-devotion in sharing her brother's prison in France, and the rigorous treatment which they then endured, combined with the warm and active interest shown by her, notwithstanding much ill health, in all that concerned her relatives and friends in whatever part of the world they might be, were no doubt among the causes of this universal feeling.

Among the papers already mentioned as having been recently brought to light, are many letters addressed to "Mrs Elizabeth Steuart." It is curious to see how nearly all of her correspondents, in their manner of addressing her, tax their ingenuity in curious and extravagant combinations, to express their unbounded love.

It will readily be believed that Aunt Betty was a power within, and beyond, the limits of her own family. The correspondence with Lady Anne Erskine already mentioned shows with what deference she and her opinion were treated by that good lady. Much of this deference seems to have been commonly felt by those with whom she had communion. There appears to have been more of love mixed with this feeling than is often the case in Scotch households where the dictator's office is accorded to some old lady in regard of greater dignity, and opinions more uncompromising than those of the rest of the community.

Sir William Dunkin, then an official high in the Government service in Bengal, and a relative of Lady Steuart Den-

[1] *Memorials of his Time*, p. 57.

ham, was amongst those who appeared anxious to show respect and love for Aunt Betty in a very practical manner.

Under date, "Calcutta, 30th January 1793," he writes: "Sir William Dunkin presents his very respectful and affectionate compl^ts^ to Mrs Elizabeth Steuart, and requests she will accept a shawl he sends enclosed in a small parcel, directed for Lady Steuart from her niece Rachel Elliot. Sir William sincerely hopes that the shawl may serve to keep the dear Aunt Betty warm *when the warmth of her piety will not suffer her to stay from the kirk in a cold day.*"

Enough and to spare has been said and sung of the power of Beauty to incite to noble deeds. Another power no less strong, it is believed, has been felt in many a Scottish household. Thus, more frequently, perhaps, than may be supposed, it has happened that after a brilliant passage of arms, when weapons are put up, and bayonets unfixed with a click of satisfaction, as with a duty well performed, one of the first peaceful thoughts in a soldier's mind has been—rather than that a paragraph has been added to English history—"What will old Mrs —— say?": and the dictum of the family oracle, "We heard ye did well," has proved as gratifying as scarf, or flower, from the hands of Beauty. For, after all, this is Fame, and such a measure of it as has satisfied many a young and ardent warrior.

Something of this feeling, very likely, actuated a gallant young sailor—Captain Philip Durham—towards the end of the last century. He—a veritable "Shepherd of the Seas"—had swept the English Channel clear of French privateers, to the great advantage of our commerce, and proportionate satisfaction of the London merchants. In token of this, they presented Captain Durham with a handsome service of plate, and very complimentary letter of thanks for his services. This very letter, sent to Aunt Betty, is still to be found among her papers, accompanied by the following from the young sailors:—

"MY DEAR AUNT,—When I had the pleasure of seeing you at Coltness, you was so good as to express a wish to see the letters sent me by the committee of merchants in London. I have the satisfaction to enclose our correspondence. I am in hopes of sailing in a few days on a cruise, and hope to be more fortunate than in the last—in taking prizes—although I must own we were particularly lucky in escaping from the French frigates. They are making every preparation on the coast of France for landing in this country, but have no idea they will be so mad as to attempt it. I am well convinced that if they do, not one will ever return. I hope you continue your good health and spirits. I am very happy to find my beloved mother is so much better, and has been so little affected by the winter. I beg my kind compts. to Lady Steuart, and am, with most sincere affection, yours,

"P. C. DURHAM.[1]

"*Hind* at Spithead, Feb. 11th."

Yet all this adulation from old and young seems to have had little effect upon the anxious care for the welfare of all around her, the outcome of a large-hearted Christian charity and deeply devotional feeling, which formed the foundation of

[1] Philip Charles Durham was the son of James Durham of Largo, and of Anne, Mrs Calderwood's daughter, to whom the letters from the Continent were addressed. Consequently he was a grand-nephew of Agnes, Lady Buchan, and a cousin of Henry Erskine's. He was one of the few who survived the sinking of the "Royal George." His was a remarkable career of victory: from the 13th February 1793, when in command of the "Spitfire" he took the first tricolor flag that was struck to the British ensign, two days after hostilities had been declared; until, by a singular coincidence, the last French colours, at the close of the long war, were hauled down at Guadaloupe, at his summons, on the 10th August 1815. He fought at Trafalgar, and was the friend of Nelson and of Collingwood. Services of plate, swords of honour, "a diamond star of the Bath from St Thomas's," were among the rewards of this good sailor, who became Sir Philip Durham, K.C.B. He married first, in 1799, the Lady Charlotte Bruce, daughter of the fifth Earl of Elgin; secondly, Anne, daughter and heiress of Sir John Henderson of Fordel, and died in 1845, at the age of eighty-two.

a very remarkable character. There were peculiarities about Aunt Betty which render her perhaps one of the most striking of all the quaint old ladies so rife in Scotland in the old time. Indeed her character, as shown in the papers above mentioned, is a fit subject for a very interesting study.

It will be understood that the materials for such a study are ample, when it is explained that apparently during the greater part of her life it had been her custom to note down at once, and with minuteness of detail, her passing thoughts, especially those on religious subjects. The result of such a habit, indulged in by a person of fertile imagination, much given to introspection, and whose education had given her few artificial lights for guidance through the tangled paths of the very diverse reflection into which her tastes led her, can hardly be clearly figured. Yet a mass of such thoughts and fancies have been recorded in two bulky volumes, into which she was in the habit of transferring her ideas as they rose,—*for the most part in verse.*

The very limited amount of culture thought sufficient for well-born ladies in Elizabeth Steuart's time, left much to individual temperament. This would be specially noticeable in a case like this of a strong and active mind. In some sort, it is submitted, this fact may account for the exceeding eccentricity common among persons of Aunt Betty's class. It would hardly perhaps be too much to say, that from the circumstances indicated it was amongst the largest minds that eccentricity was most developed. Her case was a striking instance of this. Naturally she had been endowed with gifts which only needed light and guidance to have formed a great character. Her capacity for inductive reasoning came by the light of nature. But excessive ratiocination without method, combined with the love of types and analogies, one of the peculiarities of the religious school to which she belonged, wellnigh absorbed her active mind. Had Aunt Betty lived in a more recent age, and belonged to a different denomina-

tion, she no doubt would have been led by her peculiar idiosyncrasy in this respect to take interest in some of the many forms of symbolism now in vogue; such, for example, as would clothe and adorn Faith, Hope, and Charity in the *colours* appropriate to such graces. She saw analogies in everything, and delighted in working them out to the extreme end. Much of the preaching in the Scotch Church at that period was formed upon this habit of thought,—one very easily carried to excess, especially as it was a peculiarity frequently displayed in Presbyterian eloquence, that every type which the preacher's ingenuity could detect was held to be intended by the Almighty.

At all events it was so in Aunt Betty's case; these types and symbols she could see in every fact of nature that came under her observation, her reflections on such occasions taking the widest conceivable flights, in which the divine Cosmogony, the Origin of evil, and other matters of a like appalling nature, were treated by her in the freest and most confident manner. Speculation is frequently supported by assertion in such meditations. While one wonders at the extent of information displayed by this notable old woman, and her ingenuity in applying it to the elucidation of the deep purposes of the Most High, one cannot help wishing that it had been possible for her to have had the benefit of a few half-hours with the best of authors on Geology, the Science of Language, or Biblical Criticism. But on this last point it is quite possible that she would have despised any such assistance had it been offered.

Her contempt for anything savouring of *man's authority*, in matters of religion, was one of her strongest feelings. An instance of her strength of opinion in a matter of doctrine occurs in one of the letters in the collection already mentioned. The letter is from a young minister,[1] who afterwards became a

[1] The Rev. Greville Ewing, a very distinguished minister of the Congregational Church, was about the period in question tutor to the son of James Lockhart, Esq., of Cambusnethan. He afterwards became minister of Lady Glenorchy's,

great light in the Church, and who had evidently had some previous correspondence with Aunt Betty on difficult topics. He now writes to inform her that he is about to preach his first sermon, and to desire her prayers on the occasion. At the same time, he replies on certain points of discussion that had arisen in the course of their correspondence. This is to be gathered from the fact of the young probationer most carefully detailing to his friend what he understands to be the doctrine of the Church on the subject of the introduction of evil into the universe, and the personality of the Tempter. The Church's belief is stated very distinctly, but the view does not satisfy Aunt Betty, who has noted on the back of the letter, "My answer to this letter was, that I was totaly ignorent that there was such doctrines in the Church, for my religion was not taught of men (Gall. i.), therefore I was not going to detail that doctrine, and begs pardon for touching upon it. But since this letter my private writtings has been to reprobate this absurdity." The young minister, in his letter, also lets fall a remark suggestive of other points of discussion with his venerable correspondent: "I should esteem it a favour to hear your sentiments more fully respecting those *spirits* which you say are common at this day. I am by no means disposed to call everything nervous, &c.; at the same time, I confess I can say nothing upon the subject from experience. When I find others more highly favoured than myself, I desire to rejoice in Paul's doctrine, 'There are diversities of gifts.'"

Here is an example of her reflections. From her seat in the "loft" of Cam'nethan church, Aunt Betty would observe

in Edinburgh, in connection with the Established Church. He was remarkable for his extreme zeal in the cause of foreign missions, and would himself have gone to India with this view but for the obstacles raised by the East India Company. His writings on this, and other matters taken up by the Evangelical party, was so persistent, that he was prosecuted before the Church Courts for pursuing a course incompatible with the established notions of propriety and order, so that he left the Church in 1798. He was thrice married: his third wife was a daughter of Sir John Maxwell of Pollock.

the "swirl of hair" upon the heads of many of the males of the congregation. This would suggest "the turns" of the underlying brain,—in fact, the "convolutions" now thought to mean so much,—and the accompanying diversity of thought in each case. In all this she would find a sermon more effective than that delivered from the pulpit, although with the drawling intonation, technically called the "drant," peculiar to the discourses of that period, and without which none were accounted genuine.

Aunt Betty was without doubt one of those persons still to be met with in Scotland, who believe that nothing of God's purpose is intended to be hid from the believer; and it is in consequence of his want of faith if it is not understood from the reading of the Scriptures.

Such being the character of Elizabeth Steuart's reflections, and such the form of religious belief to which this good woman had devoted herself, it will hardly be necessary to state that there is much in her writings, both in prose and verse, that is in the highest degree rhapsodical. A strong mental effort—not always successful—is needed to follow the worthy woman throughout her curious involutions of reasoning.

A lengthened perusal of this estimable old lady's writings is not an unmixed pleasure. The handwriting and spelling are as much her own as her ideas, and peculiarly trying; though occasionally she has employed the pens of Elizabeth Erskine, of her "black Secretary," and of the Schoolmaster of Cam'nethan, in transcription. By degrees the brows contract, a tightness is felt across the forehead, and finally the volume is closed, in the hope that at some future period the reader's brain may be more clear for the reception of the complex propositions, and no less complicated system of proofs in which she indulges.

Mrs Elizabeth Steuart's custom was to note down, at once, her thoughts as they rose, upon whatever white surface she found handy. There is before me a large mass of these,—

some written on slips of paper like mottoes of crackers: on the back of the ten of diamonds (not the *nine*) are some deep thoughts inscribed, and as, by some chance, the card had been split, the inner surfaces are also covered with a continuation of the subject. Sir James Steuart, her nephew, was for a long period inspecting officer of cavalry in Scotland. In this capacity, what are called "weekly states" were sent to him at Coltness from the different regiments. These consist of a sheet of foolscap paper, but scantily covered with columns, showing the numbers of officers, men, horses, &c., at the date of the report. These papers, having served their turn, formed a perfect mine of stationery for Aunt Betty. On the backs of some of these are recorded many of her reflections on such subjects as have been mentioned. The table of contents in one of her volumes is written upon the back of a weekly state of the Marquis of Lothian's East Lothian Fencible Cavalry, dated early in 1794. A few of the titles to chapters will be sufficient to show the nature of the reflections of this Scottish worthy. They are, as has been said, usually in verse of a description peculiar to herself: "On the Tower of Babel and the Origin of Language;" "Pentecost;" "On the Stage;" "The Four Elements;" "The Blessing and the Curse of the Children of the Four Elements;" "The Lord's Prayer put into the Mouth of an Orange-seed cast into the Ground, when he sees his Parent-tree crowned with Fruit, the admired of all Beholders;" "Lines on the Cuckoo,"—figurative and mystical; "Angels of Apocalypse;" "The Air's Address to God when Man Fell;" "Address of the Sea to the Lord of the Sun;" "Address of the Seven Angels to Creation;" "Gates of the New Jerusalem,"—to every gate a poem; "The Boast of Hard Drinkers;" "Will you put on a little *Rid?*" —lines addressed to some of her young friends who would use a *soupçon* of *rouge;*—and so forth.

The style of Aunt Betty's versification is peculiar, and was probably founded upon that of the eminent writers of the same

school in her day. Many of her pieces are very similar in tone and treatment to works held in high estimation in the last century,—namely, the Rev. Ralph Erskine's *Believer's Riddle* and *Gospel Sonnets*,—some of which, by the way, run to near a hundred lines. These, and Brown *On the Types*, were probably her models. Sometimes she seems to follow the manner of certain of the old Covenanting worthies—Mr Alexander Shields, for instance—in the turn of her thoughts.

Her two years' residence in France seems to have given her a deeply rooted antipathy against the people of that country, which she had no scruples about expressing in the plainest of language. Thus she describes the "Old Government of France"—that is, before 1793:—

> "No government in France shall we behold
> So glorious as what was seen of old,
> When every sin, iniquity, and vice
> Was organised into a *ragout* nice.
> The world at large her cookery admire,
> Which hid so well hell's dark and keenest fire,
> The French did well the true ingredients know,
> And on them feared lest any wind should blow.
> In idleness she made her subjects sleep,
> And strong were they that did their vigils keep:
> To eat, to drink, to ——, to sing and dance,
> Were all the fashions that were seen in France.
> If you another government propose,
> A people perfect new you must compose."

In "The Boast of Hard Drinkers" Aunt Betty deals forcibly and quaintly with a subject in that age affecting clergy and laity alike. She writes a long poem, taking very much the same view of the matter that Will Langland did four hundred years before—

> "It is not al goode to the ghost that the gut asketh."

This is a specimen of her treatment of the theme, and of her manner of dealing with such subjects:—

"Why boast how much ye drink and yet
Your senses still remain!
It plainly proves thy heart and head
No union do retain;

And that between thy heart and head
A mighty barrier stands,
So that thy heart does take no part
In what thy head commands.

. . . . .

Shall not thy soul cry unto God,
'Lord, take me to thyself,
For I am set between two thieves
Who scorn thy saving health'?"

Amongst her verses are some feeling lines in memory of Lady Frances Steuart, "the flower of the Wemyss family."[1]

The volumes in which these pieces occur are entitled *The Legacy Book*, and were evidently intended to have been left to Sir James Steuart Denham by his aunt: it is possible that he may not have valued them to the extent that was expected. He was a first-rate cavalry officer, and it may well be that he was better acquainted with the tactics of the Three Arms than with the technicalities of the *Four-fold State*, in which his aunt delighted.

At all events, there was another work of Aunt Betty's which she took great pride in, and which she directed Sir James Steuart to have published after her death. This he did, it is believed, somewhat reluctantly, being under the impression that there was much in Aunt Betty's reflections that savoured of superstition. Possibly there was, but not perhaps much of the commoner form of superstition which Sir James Steuart Denham may have had in view.

[1] A handsome mourning jewel of enamel and pearls, and containing a lock of Lady Frances's hair, which belonged to Mrs Callander of Craigforth, Henry Erskine's daughter, is now in the possession of *her* grand-daughter, the younger of the ladies to whom this book is inscribed. The inscription shows that the excellent Lady Frances "died 30 June 1789, aged 67."

Some readers may be acquainted with a Scottish "chap-book," or Penny History, which had a great sale when hawked about in pedlars' packs at the end of the last century. It is entitled *The Laird of Cool's Ghost and the Minister of Inner-wick.* The scene of the story is laid in Dumfriesshire. An encounter between the late Laird of Cool and the Rev. Mr Ogilvie, as described by the minister at the beginning of the narrative, is highly sensational. He says: "At seven o'clock in the evening, after I had parted with Thurston, and coming up the burial road, one came up riding after me: upon hearing the noise of the horse's feet, I took it to be Thurston; but looking back, and seeing the horse of a grey colour, I called, 'Who's there?' The answer was, 'The Laird of Cool; be not afraid.' Looking to him with the little light the moon afforded, I took him to be Collector Castlelaw, who had a mind to put a trick upon me, and immediately I struck with all my force with my cane, thinking I would leave a mark upon him that would make him remember his presumption; but although sensible I aimed as well as ever I did in my life, yet my cane *finding no resistance,* but flying out of my hand to the distance of sixty feet, and observing it by its white head, I dismounted and took it up, but had some difficulty in mounting again, partly by reason of a certain sort of trembling throughout my whole joints; something also of anger had its share in my confusion; for though he laughed when my staff flew out of my hand, coming up with him again (who halted all the time I was seeking my staff), I asked him once more who he was? he answered, 'The Laird of Cool.'"

Then the minister sees he had been wrong

> "To offer it the show of violence;
> For it is as the air, invulnerable,
> And his vain blows malicious mockery."

It appeared from the conversation that ensued, that Maxwell

of Cool was desirous of obtaining a favour at the hands of the minister, and conceived that the readiest means of effecting his object would be by exciting a feeling of gratitude for information supplied, if he could succeed,—as he had no doubt of doing,—in interesting the minister's curiosity with regard to the future state of the departed.

With this view, during several conferences which they held by appointment, as they rode along together, the Laird unfolds a curious narrative of the condition and occupations of those who have left this world, and are awaiting final judgment.

The tastes and peculiarities of these are described as undergoing little or no change. The tendencies of each, whether good or bad, remain the same. The power of movement with infinite rapidity is described, so that it was as easy for Cool, as he asserted, to go to London or Jerusalem and back, as for Mr Ogilvie to *think* of such a journey. The horse he rode, Cool explained, was "Andrew Johnstone, a former tenant." Many questions propounded by the minister on this and other points he would not, or could not, answer. But he was very distinct upon the guardianship exercised by good angels, and the good who have left the earth, over particular persons, towns, families, &c., in which blessed work it was their special duty to oppose and withstand the emissaries from the kingdom of darkness, in like manner deputed to watch over, and, if possible, entice poor mortals.

"But, Cool," said the minister, "tell me in earnest if there be an evil spirit that attends my family, though invisible, and what do you think is his business?"

Cool. "Just as sure as you are breathing,—his business is to divert you from your duty. Much depends upon having the minister upon their side. But I tell you likewise that there is a good angel who attends you, who is stronger than the other."

Ogilvie. "Are you sure of that, Cool?"

Cool. "Yes; there is one riding on your right hand, who might as well have been elsewhere, for I meant you no harm."

Ogilvie. "And how long has he been with me?"

Cool. "Only since we passed Brand's; he—but he is gone now."

At this stage of the conversation it began to dawn upon the minister with what he had to deal, and he honestly adds, "I was struck with a sort of terror which I cannot account for."

In the lengthened conversation which ensued, it came out that Maxwell had in life, while factor for the Marquis of Nithsdale, been guilty of several highly dishonest practices, including forgery, connected with money due by him to persons who had died. Several cruel instances he detailed, in which the victims of his dishonesty had been reduced to starvation. It was his hope, now, that he might be able to induce the minister to go to Mrs Maxwell, the widow, and prevail with her to make reparation.

Mr Ogilvie, however, having first got all the information that was to be had, shows plainly that he has no heart for the business of inducing the widow to part with money, particularly as some 200 pounds Scots was due to himself; "the consequence," he very plausibly urges, "might be that she would scold me—or possibly pursue me for calumny."

He tries, however, in a manner somewhat cunning, to persuade the Laird under his disappointment that the information he has given may do as much service to mankind as the redress of all the grievances would amount to.

Such is an outline of the narrative which so much took Aunt Betty's fancy. Undoubtedly it was the details of the conflict of good and evil angels and the condition of the departed which interested her.

It will be seen that this is by no means a common ghost story. It has been in some degree a puzzle to readers who

look a little under the surface of things. The interest of the tale consists in the scheme of existence in another world, which Maxwell of Cool was prepared to explain, with the reservation of certain points, upon which he was not permitted to speak.

Having come to Edinburgh, Aunt Betty, by the assistance of her friend Miss Jean Warrender, made the acquaintance of Mrs Hog, the minister of Innerwick's daughter, in the hope of eliciting further details, prior to her undertaking the task of expounding the mystical meaning of the story of Cool's ghost. This she has done, in the volume which has been referred to,[1] with exceeding acuteness and precision. Not a point does she miss that may tell in favour of her contention: her arguments are marshalled with the judgment of one who had a Lord Advocate to her grandfather, and another her nephew.

The probability is that the whole narrative is tinged with Swedenborgian doctrine, which, it will be remembered, came prominently into vogue in this country about 1772. The views of the founder of this sect were much discussed by all classes, and formed subject for speculation amongst serious-minded people, and many differently inclined.

Amongst others, Aunt Betty had her attention attracted to these views, containing a good deal that was congenial to her habits of thought. In what degree—if at all—the complex speculations contained in her *Legacy Book* are in accordance with the doctrines of Emanuel Swedenborg, the present writer is not going to wander so far from his last as to inquire. It is sufficient to note that the idea of a certain connection between these views and the story of the chap-book was in some measure corroborated when the papers from Coltness were looked into. There Aunt Betty appears as bringing her views before Lady Anne Erskine as an expert. Moreover,

[1] *Narrative of Four Conferences between the Ghost of Mr Maxwell of Cool and the Rev. Mr Ogilvie, Minister of Innerwick; with Remarks and Illustrations.* By Mrs Elizabeth Steuart of Coltness. 8vo. London: 1808.

Lady Anne writes to her correspondent, that she is so pleased with what she has set down as her ideas on the Laird of Cool's Ghost, that she will not willingly return the statement. Thus she writes: "I am very unwilling to send you my book of Cool's Ghost, for a bird in the hand is worth two in the bush; but as you desire me to do it, I will, tho' not before I have transcribed your introduction and letters to and from Mrs Hog, and, if I could, your notes. This I shall do in short-hand, and shall, God willing, depend on your sending me, according to your promise, a fair copy of the whole. I had made some observations on Cool which had escaped you, but they were a rough draft, and I have laid it so well by that I cannot find it. I think it would have met your approbation."

This fact of itself would go some way towards showing that, however mystical and speculative Aunt Betty's writings on this subject may be, they could hardly have been absolute nonsense, when a woman of such "great reality," as the Scotch phrase goes, as Lady Anne Erskine, saw something in them to admire.

It is probable that Elizabeth Steuart did not "believe as far as" Swedenborg; but very few, it is believed, who have studied the mystical statements made by him, and the descriptions of scenes which he professed to have witnessed in spirit, have felt themselves competent to call in question his assertions from their own personal knowledge of such matters. This Aunt Betty did, traversing his statements categorically, claiming to be in a position to do so by reason of the light vouchsafed to her after, and in consequence of, her conversion.

"The free play of intellect" and unlimited exercise of private judgment in which Elizabeth Steuart indulged in her truth-searching efforts, have curiously led her much nearer to an old form of oriental philosophy, reprobated in early Christian times, than she could have been aware of; but "Philosophy" is perhaps the word of all others she would have deprecated, as applied to her views and speculations.

An implicit confidence in the unbounded love of God for everything into which He had infused the vital principle—including the entire vegetable world—was also a favourite tenet of Elizabeth Steuart's. In effect she seems to have gone a step beyond the distinguished scholar of our own time, who thinks that the words "vital force," "instinct," and so on, are mere "expressions of our ignorance." Never, probably, since the days of the much-condemned Madame Antonia Bourignion and her wrong-believing followers, Dr Gardin of Aberdeen and others, had any serious thinker aimed more steadily at "the perfection of the soul" by the help of means of her own contriving.

At the period now spoken of there was much intimacy between the Coltness people and their near neighbour the Duke of Hamilton. The Duke had a high respect for Mrs Elizabeth Steuart, but withal was a little afraid of her. There was much in the *ménage* at Hamilton Palace that was, for Aunt Betty, as cinders in the mouth.

To afford his Grace the benefit of a "*glisk* of eternity," she sent for his perusal the story of the Laird of Cool, with her meditations thereon. In due course, the Duke of Hamilton replied that he had been much entertained with the narrative, but that he had no fancy for a ride in company with the Laird, having "no suitable tenant ready at the moment," or something to the like effect. Aunt Betty made answer in some verses suitable to the occasion, written with her sharpest-pointed pen, dipped in an ink anything but sympathetic. It is enough to say that they are hardly what would be appreciated in this polished age.[1]

[1] While the story of the Laird of Cool was in everybody's mouth, and there were many believers and disbelievers, it is related that on one occasion a large party was assembled at Hamilton Palace. At a large dinner-party given by the Duke, there was present a gentleman who was understood to be somewhat credulous on the subject. Thus it fell out, that while the dinner was in progress, the butler entered the room hurriedly, and whispered to the gentleman, audibly, that a man

Aunt Betty's book, entitled *Four Conferences*, is now very scarce; there is apparently no copy in any of the public libraries of Edinburgh; Sir James Steuart Denham having, it is believed, done little towards the circulation of it, after he had fulfilled his promise as to its publication.

It is only fair to state that, so far as can be understood, the speculations connected with Elizabeth Steuart's philosophy,—if such it was,—were merely intellectual gymnastics; and there does not appear to have been the slightest attempt to mix up anything speculative with her Christian faith. Hers was a creed of the simplest Evangelical form, with (so far as may be judged from the written record of her thoughts) less of Calvinistic doctrine than was then common in Scotland. Her *practice* was of the best description,—one founded upon the model of her Divine Master's teaching.

Mrs Elizabeth Steuart died in 1803, and was buried at Cambusnethan. Some neat verses in honour of her were written by Provost Dunlop of Renfrew, a relative of the Coltness family, in which these lines occur:—

> "A tear! to grace the spot where wisdom lies,
> Wit without malice, truth without disguise.
> Here rests religion void of vain pretence,
> Founded on reason, and matured by sense,
> With every Christian attribute adorned,
> By all who knew, who felt its influence, mourned."

From the attempt which has been made to indicate some of the views of this good lady, it may be judged how far these lines are a correct description of her "religion." [1]

had just ridden up to the door, who said he wished speech of Mr —— (mentioning the gentleman's name).

"Well, just tell him I am at dinner, and ask him to send in *his* name."

The butler returned after a little while with the answer, "The gentleman says he will wait, and that his name is *The Laird of Cool.*"

The face of the diner probably furnished the entertainment to the other guests which the Duke of Hamilton had planned.

[1] Sir James Steuart of Coltness, the political economist, and the brother of

Such is but an imperfect sketch of the "heavenly-minded," to use Lady Frances Steuart's phrase, "but very plain-spoken" Aunt Betty. If it be thought that too much has been made of her story, it is that the subject is still attractive as a study of old-world manners and opinions—nay, as once said a celebrated portrait-painter, who was accused of making too much of *his* subject, "We do it lovingly, sir,"—the spirit, no doubt, in which those of Henry Erskine's family who knew Aunt Betty would have wished it should be done.

Aunt Betty, had probably less religion and more superstition than she had. During the last illness of his intimate friend and relative, Alexander Trotter, the latter made a promise to Sir James that, *if it were possible*, he would come to him after his decease, *in the dress he commonly wore*, at the enclosure near the house of Coltness, which had been the scene of their studies and of much brotherly communing. Until the time of his death, Sir James Steuart fulfilled his part of the compact, attending at the spot at the periods agreed upon, "challenging the promise of Mr Trotter, and always returned extremely disappointed that the expectation of his friend's appearance had not been gratified."—*Orig. Letters of Lady M. Wortley Montague to Sir James Steuart, and Memoir*, 1818, p. 96.



CHAPTER XIV.

THOMAS ERSKINES'S AND HENRY'S CHILDREN—MARRIAGE OF ELIZABETH ERSKINE—CALLANDER OF CRAIGFORTH—TRIAL OF MACDONALD OF GLENGARRY — TRIAL OF THE REV. MR FITZSIMMONS — INCORPORATED TAILORS—THOMAS ERSKINE'S LEGACY—BATHGATE RIOTERS AND LORD POLKEMMET—THREATENED INVASION—VOLUNTEERING—THOMAS ERSKINE AND QUARTERMASTER HALL—DUCHESS OF GORDON—HENRY DAVID, EARL OF BUCHAN, AND THE DUCHESS.

LONG before the period which has been reached in this narrative, the kindly wish of Mr Adam had been fulfilled,—that his friends Henry and Thomas Erskine should stand respectively at the head of the Scotch and English Bars. Equally genuine was the pride which Lord Buchan took in the brilliant careers of his brothers, and the interest he felt in their children. While between the two great lawyers there never was the slightest trace of jealousy, the one had implicit confidence in the other, although, as has been shown, they were by no means of the same opinion at all times.

The following letter from Lord Buchan to Elizabeth Steuart shows the good feeling spoken of:—

"DRYBURGH ABBEY, *December* 31, 1791.

"MY DEAR AUNTY BETTY,—I cannot think of allowing the last stroke of the clock for this year to pass over without assuring you of the continuance of my duty and affection, and endeavouring to furnish you with some amusement more suited to your years and sentiments than the gambols of the season.

I have had a sketch from Tom of his family, in consequence of a requisition of mine on that subject, which I am sure will please and interest you greatly. Of the extraordinary increase of his business I shall say nothing, though his receipts for the last year are up to ten thousand pounds,—more by sixteen hundred guineas than was ever gained by any lawyer at the Bar,[1]—*because I wish these particulars not to be mentioned, as they may excite envy without doing him good;* I mention them only to you and two or three confidential friends, *with request* not to repeat them. I lay down the pen to commit the task of making the extracts to my clerk, as it is a task I never yet was able to perform. When I copy anything I am carried away by my own notions, and interlard the original with them without being sensible of my error.

"'HAMPSTEAD HEATH, 25*th December* 1791.

"'MY DEAR BROTHER,—Mrs E. commissioned me a long time ago to answer your kind enquiries about the young people, but I was only disengaged yesterday from the sittings, and had not till then an hour, or indeed a moment, to myself, my business being greater than ever, and beyond all instance or example since Rufus built the Hall of Westminster. I hope to clear this year ten thousand pounds, without office, and without taking a guinea which I do not actually earn by active employment.

"'The present moment is a very favourable one for the account you desire, as I have just finished the construction of a large kite, which is to be flown to-morrow on the Common, and all the eight have been attending the manufacture.

"'Fanny is, as you know, a woman,—short, but excessively

[1] In an interesting paper on the Bar as a profession, which appeared in the *Gentleman's Magazine*, May 1879, the writer has this passage, which may be compared with the above: . . . "the brilliant Erskine, who was taller by the head and shoulders than any leader in these degenerate days; the Erskine of whom Lord Campbell wrote that even he in all his glory never reached £10,000 a-year," &c.—P. 607.

well made, with a very fine expressive countenance; and as to her temper and manners, quite unexceptionable. She has read a good deal, and has, behind a great deal of proper female reserve, a great deal of sound sense.

"'Poor Bessy! whose misfortune (from the madness of quack inoculating, put upon us in former times, though with good intention,) you know, is also grown up. She is taller by above a head and shoulders than Fanny, is the best girl in the world, and has a most astonishing genius for drawing. She draws all sorts of characters,—from intuition, one would think; as many of them she can hardly have been familiar with, or ever seen.

"'David I have often stated to you. He is just come home, and improves daily. He will be about my height. His features have been thickened by the natural smallpox, but his countenance is remarkably animated and intelligent. I have little or no doubt that he will make a man of sense and business; and, with respect to his temper and disposition, I could almost depend upon him now for everything a father or a friend could desire.

"'Margaret, Lady Buchan's god-daughter, is fair, like her mother, but her hair darkens to auburn, and her eyebrows grow of the same colour. She has a genius for music, and will, I think, be handsome, as her skin is very fine, her features high, and her eyes a fine blue.

"'Mary is a sort of mixture between our Aunt Calderwood and our sister Isabella,—ridiculously like both. I am sure you could not see her without laughing. Her hair remarkably dark, and her cheeks very red; her form thick, and the whole structure of her mind exactly our aunt's. She is as shrewd as Satan, and the greatest gossip that can be stated; but, to do her justice, most affectionate and good-tempered.

"'Henry David is also fair, like his mother. He is six in summer. His countenance is remarkably open, and his hair will grow to auburn like Margaret's. He is very quick and merry, and remarkably good-tempered.

"'Tom is 4. He is dark, and, Peggy Dunne says, like what I was at his age,—round-faced, and red-cheeked, and made like a man of forty.

"'Esme Stewart, when he is in good humour, looks like a spirited, intelligent man; and, when he is sulky, like Catiline. He is dark; small bright blue eyes, with immensely large eyebrows, and eyelashes an inch long. He is good-humoured, but irritable and passionate in the extreme. In one thing they all agree—*i.e.*, in shutting their eyes, putting their chins in their stomachs, and running backwards and forwards, rubbing their hands together, till they almost strike fire.

"'They are all here upon the very top of Hampstead Heath, near Lord Mansfield's, where I took a house two years ago. The air is remarkably fine; and we are within a 40 minutes' drive or ride when we like to stay a day or sleep a night there.

"'Having expended my paper in domestic occurrences, I must delay the foreign post till another time.

"'Mrs E. desires me to thank you for the Scotch wool. Give our love to Lady Buchan, and believe me to be ever most affectionately yours, T. ERSKINE.'

"Thus, my dear aunt, have I laid before you a descriptive inventory of my London nephews and nieces; and I assure you my Scotch are not less interesting, and certainly not less dear to me.

"Bessy becomes really a great comfort to her father as his little housekeeper. Harriet is the drollest creature you can imagine, with much good sense; and the boys are as sharp as needles, with the best of dispositions.

"For all these blessings, the parents and the connections of their families ought to be thankful, . . . and prepare to imbue the minds of their offspring with those principles which have called down the blessing of heaven upon their progenitors. Vanity! Vanity of vanities! all is vanity. . . .—Your faithful friend and affectionate nephew, BUCHAN."

The society and correspondence of two such remarkable women as the worthy Mrs Elizabeth Steuart and the excellent Lady Anne Erskine were not without their effect upon the character of their niece, Mr Erskine's eldest daughter, Elizabeth. At Coltness she imbibed much of the strong religious feeling for which throughout her life she was distinguished. Doubtless to the habit of thought then acquired is to be attributed that profound respect for the memory of Colonel Gardiner (the husband of her grand-aunt) which she entertained herself, and succeeded in instilling into the minds of many of her numerous descendants.

In 1801 Elizabeth Erskine was married to Lieut.-Colonel George Callander of Craigforth, a member of a family that had been settled in Stirlingshire,[1] and possessed lands in that county since the thirteenth or fourteenth century. In the previous year Colonel Callander had been appointed to a newly constituted *élite* corps of riflemen, at first known as "Manningham's Sharpshooters," but which afterwards became famous as "the old 95th," and later as the Rifle Brigade.

His father, well known as "Sir James Campbell," was a remarkable man in many ways. After having seen much service in Germany, he was a prisoner in France for many years, during which time he succeeeded, in 1810, his cousin,

[1] There is a tradition that the head of the family in James VI.'s time was Master Armourer to that monarch, and had lent him money. When the king went to England, the money, a considerable sum, had not been repaid. After many "supplications," an order was given to Callander for reimbursement from the English Treasury. He was paid; but to his amazement, to an amount far beyond the extent of his claim, which had been for pounds *Scots:* he had been paid in pounds *sterling.* He wished, it is said, to explain, but his friends thought it would be a hazardous experiment. So Callander returned to Scotland with his money, and bought a large increase to his lands in Stirlingshire. The notice of this family in Burke's *Landed Gentry* is a little misleading. It is made to appear that Craigforth was their first possession in the county, and that it was bought in the reign of James VI. It was not, however, acquired till about 1688; see *Acts of the Scottish Parliaments,* from which it appears that a misunderstanding about the purchase continued down to the time of the Union.

Sir James Livingstone Campbell, in the estates and representation of the Campbells of Ardkinglas, an ancient family in Argyleshire. Sir James Campbell, who assumed the name and title, as well as the lands of his cousin, was three times married, as shown by Burke; consequently his descendants form a very numerous "concernary"—to use the Earl of Mar's phrase—at the present day.

One of the most important trials in which Mr Erskine was engaged, was that in which he successfully defended Macdonald of Glengarry, charged with shooting Lieut. Macleod of the 42d Highlanders. Macdonald was one of the best known men in Scotland, the head of an important family in the North, while his own personal characteristics were markedly those of the typical Highland chief,—generous and warm-hearted, rash and impetuous.[1] The poor youth who fell is understood to have been a grandson of Flora Macdonald's. The case, as may be imagined, caused an intense sensation at the time. The circumstances were these: A ball was given at Inverness by the gentlemen of the county and "the military," on the 1st May 1798; doubtless there was a good supper as well. One of the guests was Miss Forbes of Culloden. Towards the close of the ball, Glengarry came and reminded Miss Forbes that she had promised to dance the last country-dance with him. She said she did not recollect having given such a promise, and told him she was engaged for that dance to Mr Ranald Macdonald. Afterwards Glengarry returned and said that Mr. Macdonald had relinquished his right to dance with her in his favour. She not liking this arrangement, replied that she would dance with neither of these gentlemen.

Glengarry was dissatisfied, and Macleod, who was but a

[1] The better points in his nature are believed to have been taken by Sir Walter Scott when modelling the character of Fergus MacIvor in *Waverley*.—See *History of the Macdonalds*, by Mr Alexander Mackenzie: Inverness, 1881.

youth, sitting by Miss Forbes, said, "Why do you tease the lady? Can't you allow her to choose for herself? You are one of the stewards, and can command as many dances as you please." Glengarry, who "seemed warm," replied, "It is no business of yours; you should not interfere." Macleod explained that he only did it "in a friendly manner."

After this Miss Forbes danced a reel with Macleod, and then left the room. This was the lady's account of the occurrence.

The gentlemen adjourned to the mess-room of the 79th Regiment. There high words passed between Glengarry and Macleod, and Macdonald, it is said, struck the Lieutenant over the bonnet with his stick, and kicked him, with the remark, "It is now daylight, and you know the use of your pen and ink." Macleod drew his dirk, but the company interposed to prevent further mischief.

The parties were to meet at a place called "The Long Lone," near Inverness, but some mistake as to the locality occurred; and there was interference on the part of the magistrates. At the request of Macleod, Captain Campbell of the 79th Regiment, who attended him, wrote from Sinclair's Inn to inform Macdonald, who had gone to Culloden House, where they were, and to press for a meeting. By this time a rumour had got abroad that Macdonald was inclined "to shy" the encounter. The next morning they met on a spot on the beach between Fort George and Ardersier. A proposal was made by Major Macdonald of the 15th Regiment, on the part of Glengarry, to settle the business amicably. Macleod demanded an apology in writing, to be dictated by certain officers, friends of his; also, that Macdonald should give up to him the stick with which he had been struck, to be used as he thought proper. All was agreed to, except the latter part of the proposal,—from which Macleod would not recede; Major Macdonald stating that he had never heard of a British officer making such a concession. So the parties took their ground

at eleven paces. Captain Campbell had proposed ten, and Major Macdonald twelve. The bullets for the pistols proved to be too small, but Major Macdonald would not hear of their being wrapped in leather to make them fit. Macleod was struck at the first fire, under the arm. At this stage the seconds induced the gentlemen to shake hands. The youth, it was found, was badly wounded. He was taken by the surgeon in attendance to Fort George, when the ball was extracted, and he seemed to do well at first; but he gradually declined, and died on the 3d of June. Throughout the affair the prime idea in the poor lad's mind seems to have been to bear himself in a manly fashion, and to support the dignity of the 42d, under the gross insult that had been put upon him. When at last he shook hands with his adversary, his *naïve* remark was, "You will allow, Glengarry, that I stood your fire like a man."

Glengarry had gone into retirement after the duel. In his absence an indictment was prepared by direction of the Lord Advocate, charging him with the murder of Lieutenant Norman Macleod.[1] Mr Coll Macdonald, a writer to the Signet, Glengarry's agent, applied to Mr Erskine, asking his opinion if the chieftain was safe in taking his trial. He replied that the case was undoubtedly a very serious one, but that if Glengarry returned he would undertake to do his utmost for him. Macdonald determined to "stake his chance on Henry Erskine,"—and surrendered himself.

At the trial the Court was crowded to suffocation, during two broiling days in August. The excitement was extreme, when the principal witness, Miss Forbes of Culloden (who had in the meantime been married to Mr Hugh Duff of Muirtown), was called,—a handsome young woman, dressed in a riding-habit, black hat, and green veil,—to whom Lord Eskgrove, the presiding judge, addressed the remark, after the witness had been sworn, "Sit down, young leddy, but ye maun pit up your

[1] In the old *Army Lists* he appears as Lieutenant *Neil* Macleod.

veil, and let's see your face." She gave her evidence with much self-possession, to the effect already mentioned.

It was hardly possible that in such a trial there would not be some display of *animus* on the part of witnesses under examination. This Mr Erskine was careful to note, and make the most of in his client's behalf.

When the time came for Mr Erskine to address the Court it was near midnight; they had already sat nearly fourteen hours. Nevertheless, his speech occupied upwards of three hours more. So far as can be learned, no report of this address exists. It consisted of a powerful appeal to the jury, on the point of honour, stress being laid on the persistent efforts of Major Macdonald, and his principal, to offer every kind of apology consistent with their character as gentlemen.

It was four o'clock in the morning when the jury were enclosed, and appointed to give in their verdict at twelve o'clock that day. Such had been the effect of Mr Erskine's splendid appeal to the jury, that it was felt that the matter was as good as ended. So much was this the case, that a question arose as to the necessity for Glengarry's returning to his quarters in the Tolbooth. Coll Macdonald, Glengarry's agent and kinsman, came to consult Mr Erskine on the point, when he with much sagacity said, "If Glengarry is wise he will return to the prison." He deemed it imprudent at this stage to appear over-confident of the result.

The crowd was even greater than before, when the Court met the next day, the assembly being largely composed of ladies, it is said. By this time a strong feeling in favour of Glengarry had sprung up, and it was with much satisfaction that when the clerk took his key and opened the box wherein the verdict had been deposited, the cover was seen to have a *red seal*, which betokened an acquittal. The shout of approval which followed the announcement of *not guilty* was taken up out of doors, and the news speedily ran through the town.

The jury, with their verdict, gave in a statement of the

reasons for their finding. These were chiefly the points so strongly urged by Mr Erskine, the anxious desire displayed by the accused to settle the matter amicably, and by a suitable apology; but the jury highly disapproved of the pannel's conduct at the beginning of the affair, adding, "it was fortunate for him that the duel did not take place so soon as was intended, before an attempt was made to apologise, as in that case it was highly probable that they would have returned a very different verdict;" at the same time, they disclaimed the theory that killing a man fairly in a duel could afford, by itself, any defence against a charge of murder.[1]

Lord Eskgrove approved of the opinion expressed by the jury, and added some sage remarks, much in the style characteristic of this worthy but eccentric judge. He hoped "that the pannel, and all others, would be careful by their future conduct to avoid so illegal and dangerous a practice as that of duelling."

There was obviously in the finding of the jury in this case a tendency to constitute themselves a "Court of Honour," or to convert the Judges of Justiciary into such a court, in place of a law tribunal. Lord Swinton took notice of this, while generally approving of the jury's views.

There was a great dinner held by Glengarry's friends at Oman's Hotel, in honour of his acquittal, to which Mr Erskine was bidden; but his admiration of the part played by his client in the late tragedy was not sufficiently strong to admit of his being present.

[1] The jury in this remarkable case seem to have been very carefully selected, chiefly from amongst gentlemen of some standing in the neighbourhood of Edinburgh. They were: "James Hamilton of Bangour; Sir A. Dick, Bart., of Fountainhall; Charles Brown of Coalston, *Chancellor*; John Caddel of Cockenzie; Francis Sydserff of Ruchlaw; William Wilkie, yr. of Gilkerston; James Johnstone of Straiton; James Watson of Woodbank; Thomas Sharp of Houston; William Hamilton of Westport; Alexander Marjoribanks of Marjoribanks; M. Sandilands of Couston; H. Guthrie, writer, Edinburgh; James Home, W.S., *Clerk*; J. Gloag, merchant, Edinburgh.—See *Caledonian Mercury*.

The Rev. Mr Fitzsimmons of the Episcopal Chapel in Edinburgh at this time, July 1799, found himself in a very painful predicament—the result of his own kind-heartedness, from which all the skill and eloquence of Mr Erskine were hardly sufficient to extricate him completely. Considering the state of public feeling, however, it may be affirmed that the outcome of the case was more satisfactory than could well have been looked for.

Several Frenchmen had been imprisoned in the Castle of Edinburgh, having been apprehended as spies. Two of these —Grisson and L'Hermite—succeeded in cutting away a bar from their cell in the prison, and thus escaped. While in confinement they had been visited by Mr Fitzsimmons, at the request of a brother Episcopal clergyman at Ayr, who had by this means sent money to the prisoners, given by a Scotsman, to whose son L'Hermite had shown kindness at Dunkirk. On effecting their escape, they knew not where to turn, and threw themselves on the mercy of Mr Fitzsimmons, their only friend. The reverend gentleman's heart was not of a material that would allow of his denouncing these men who trusted him, as perhaps he should have done. He took them in. Next day two more came—one of them, as the maid-servant at the clergyman's house testified, "greeting" and asking for *mercy*. They also were received. Five days after this Mr Fitzsimmons conveyed his guests to Newhaven, and took them, by means of a fishing-boat, on board a French cartel-vessel lying near Inchkeith. Little or no concealment of his intention was attempted. It was shown that he spoke openly of the affair, that he had no previous knowledge of their escape when they presented themselves at his house, nor did he seem to expect their arrival. His "correspondence" with persons on the Continent was also shown to have been with the object of recovering the small sum of money which he had advanced to the prisoners, and which he could but ill afford.

These facts formed the substance of a very grave charge, in which the defeating of justice, treason, and corresponding with the enemies of the country were included. The more serious of these were dropped, as it was manifest that the tender-hearted clergyman had no criminal intention. The Lord Advocate admitted as much. The character of the accused was the subject of high eulogy by many well-known gentlemen who were called to give evidence. So that the line taken by Mr Erskine consisted mainly in an effort to obtain, to the utmost extent practicable, mitigation of the possible consequences of his client's rashness.

The substance of Mr Erskine's defence of his reverend client was a strongly expressed statement of a case unique in the experience of any of the lawyers concerned in the trial,—that his client stood there, in the place appointed for felons, charged,—as with a crime,—solely with having allowed his conduct to be actuated by *Charity*, that most pure and excellent gift, before which all other virtues fail.

"Although," said Mr Erskine in defence, "the Lord Advocate and myself differ in some parts of this charge, there is one thing in which we seem cordially to agree—namely, that the prisoner in his moral character is unimpeachable. . . . But in this case," continued the counsel, "if the pannel is criminal, it is but by that passion which best enables grovelling man to imitate his Maker—humanity! If you set aside the intention of assisting the enemy, which the Lord Advocate has done, then there remains but another charge, and that is *humanity!*

"And here if we meet a fault it is founded on that principle which covers a multitude of sins—pure humanity! It is the intention alone which constitutes criminality. This is a proposition so clearly imprinted upon the mind of man, that the Decalogue, when speaking of the shedding of blood, delivers the law in four words—'Thou shalt not kill!' What is it? The taking away of life? No! it is the inten-

tion. There are offences which no man can plead innocence to; they are written by the finger of God upon the mind of man: but there are also offences which the heart of man would never tell him of, but which the laws of man constitute crimes, and it is one of these of which the pannel now stands accused.

"Taking the fact abstractedly, the liberating a fellow-man is an act of virtue, not an act of wrong. With regard to this offence, however, you cannot expect that I will deny it is a crime. If I liberate a prisoner for debt, I may either be prosecuted by the public prosecutor for breaking into the jail, or by a creditor who will sue me to make payment; but before one is imprisoned, you must first make out the fact, and then show that this fact was committed with intention, so as to constitute a crime. Killing in self-defence is no crime, it is meritorious—if under sudden passion or provocation; still the law knows our weakness, and recollects we are but men. If I can show that the person at the Bar acted as he did from no intention to do wrong, or motive of offending the law, I think I shall show he is not so very guilty; whoever may hear of this trial will only learn that this unhappy man at the Bar stands accused of the virtue of humanity, and the error of rashness."

The jury, while finding the prisoner guilty, "humbly recommended to the Court to make the punishment as lenient as the law would admit." Their lordships expressed, besides their sense of the high moral character of the prisoner, their happiness that nothing had appeared in the trial to give grounds for suspecting that he had in any way intended to aid the enemy in their designs against this country,—and sentenced him to *three months' imprisonment* in the Canongate Tolbooth.

The result of this interesting case was, as has been said, probably more successful than any one concerned dared to expect, or hope for, in view of the state of public feeling at

the time. It is only necessary to imagine the circumstance of such a charge, substantiated to the extent this was, made against an Episcopal minister prior to the year 1788; or a case of this description had it unhappily fallen to be tried by Lord Braxfield, a very few years before the date in question,—to divine what the consequences most likely would have been.

It was a sign of these times that nothing of the nature of a "combination" could be tolerated. Mr Erskine was engaged as counsel for some Shoemakers who had formed themselves into a society for mutual benefit. For this they were charged as with a crime. Their counsel wisely advised them to acknowledge their fault, and express contrition, which they did, and thus earned the applause of Lord Eskgrove, the judge.

Long ere this it had come to be the opinion among many, especially among public bodies, that no case of theirs could succeed before the courts unless by the help of Mr Erskine. No "Bar" was sufficiently "heavy" without him. It is possible that these worthy citizens were sometimes influenced by the hope that in the event of a successful issue of the matter in dispute, the famous advocate might be induced to dine with them. On some such occasion, it is related, he dined with an incorporated body of Tailors. In the course of the evening they had drunk the health of their guest and counsellor, to which he felt called upon to reply before leaving the party. He rose to do so; and chancing to notice that there were exactly *eighteen* of his entertainers, the *tailors*, at the table, he concluded his speech by wishing "health, long life, and prosperity to *both of you!*" But before the meaning of the allusion had dawned upon them, Mr Erskine had vanished from the room.

On another occasion of this kind the good-natured lawyer administered a gentle rebuke to one of the company, who had persisted in drumming with his fist an accompaniment to a song, upon the oak wainscot of the room where they were

dining. When the melody was ended, Mr Erskine remarked that his friend who had favoured them with the instrumental part of the music would have made an admirable advocate, for he had never met before with any one "who had made so much out of a *pannel.*"[1]

The part Thomas Erskine played in the State trials was the means of gaining for him fame, and *almost* fortune. This fame was shown in a manner peculiar to the period. It has been the fate of few men, not in the position of reigning sovereigns, to have the representation of their features impressed upon current coin. Such was the form, however, which public admiration for Thomas Erskine took to express itself.

There is in existence, and may be found occasionally in the cabinets of collectors, complete sets of halfpenny tokens, all issued in commemoration of the exertions of Mr Erskine in defence of Hardy and Horne Tooke.[2] On one of these coins especially, although the whole figure is delineated, it is quite possible to recognise the marked features of the great lawyer.

As in the case of Mr Pitt, who received a large estate from Sir William Pynsent, and in that of Lord Beaconsfield, in our own time, whose gift from the heiress of Mendez da Costa was recently brought to mind—both statesmen acquiring con-

[1] "The defender, after his appearance in court, is called the *pannel.*"—See Erskine's *Principles*, 1809, p. 530.

[2] These "provincial halfpenny tokens" are thus described by an old collector,—1. Rev: Two men (in advocates' gowns, the figure to the right probably Erskine) standing, holding a scroll, "Bill of Rights;" on another, above *Magna Charta; Erskine and Gibbs;* and "Trial by Jury." Ob: T. Hardy, J. H. Tooke, T. Holcroft, J. A. Bonney, J. Joyce, S. Kidd, J. Thelwall, J. Richter, J. Baxter, 1794. 2. Head—below it "J. H. Tooke, Esqre. 1794." "Tried for high treason." Ob: "Acquitted by his jury." Counsel, Hon: T. Erskine, V. Gibbs, Esqre. 3. Head as above. Ob: *Not guilty say the jury, equal judges of law and fact.* Counsel, Hon: T. Erskine, V. Gibbs, Esqre.—*M.S. on English Coinage*, by the late Gilbert Hamilton, Esq. of Glasgow. *Circa* 1803.

siderable property from persons who chose to express their admiration in this very tangible form—Mr Erskine's patriotic exertions in the cause of liberty so excited the approval of a gentleman in Derbyshire, that he bequeathed to the object of his admiration an estate of the value of about thirty thousand pounds. The unfortunate *dénouement* of this story, the defeat of the object of the will through the ignorance of a country attorney, has been variously related.

The attorney had, according to Lord Campbell, recommended that the testator should "suffer a recovery" to confirm the will, whereby it was rendered invalid. The biographer of the Chancellor speaks of the amusing account Lord Erskine used to give of his interview with the attorney, and how the man, to show his zeal and activity, concluded, "And your lordship need have no doubt as to the validity of the will, for after it was made we *suffered a recovery* to confirm it."[1]

It would appear from an *Autobiographical Memoir of Hardy*, that Mr Kant, the gentleman who meant to behave so generously by Lord Erskine, had mentioned Hardy himself very handsomely in the will, to which a codicil had been added. Mr Erskine, after reading the letter, and thanking the attorney for his attention, asked if he had taken the necessary legal steps to make the codicil valid? "No," was the reply. "Then," said Mr Erskine, "by ——, you have lost me the estate." Hardy was sent for a few days afterwards, and told by Mr Erskine what had happened "through the ignorance or villany of a country attorney."

Yet another version of this tale, said to be current in Lincoln's Inn is, that the cause of the invalidity of the will was the attorney's having made Mr Kant *levy a fine* after the execution of the will. The writer in *Notes and Queries*, July 8, 1871, who gives this variation of the story, adds: "The future Chancellor, though not much of a real property lawyer, *did* know the effect of levying a fine upon a will—namely,

[1] *Lives of the Chancellors*, ix. 66, 67.

that it revoked it; and, as is easy to be believed, all but kicked the attorney down-stairs."[1]

In October 1799, Mr Erskine was engaged in a case of some celebrity—that of the "Bathgate rioters:" he was employed to defend one of them, Alexander by name. The charge was that they had assembled in force, armed with clubs, bludgeons, &c., in order to oppose the operation of the Militia Act; that they had compelled the Honble. William Baillie, one of the senators of the College of Justice,[2] to sign a paper "discharging" the provisions of the Act; that a deputation from the rioters had actually seized the judge, and Mr Marjoribanks of Marjoribanks, a magistrate, and taken them to the Bathgate Muir, where they were compelled to sign a document to the effect as above written, upon a paper bearing a stamp of the value of nineteen shillings sterling. Mr Erskine succeeded in obtaining for his client, and the rest, a verdict of "not proven." The proceedings of the trial before Lord Eskgrove are not to be found; but it was shown that the prisoners' object was to get the names of some of their friends off the "militia list:" so much appears from the newspapers of the time. From Mr Erskine's version of the story, it seems that some such paper as that described was indeed signed by Baillie, under the impression that these people would be pacified by acquiescence—a course which only had the effect of encouraging the rioters to think they had both justice, and a judge, upon their side. At the signing of

[1] With regard to the discrepancies in these versions, I am authoritatively advised that in English law "fines" and "recoveries" were two different processes, whereby an entail, whether created by will or otherwise, could be cut off. They did not operate to make a will invalid. Probably, it is believed, what was meant was that Lord Erskine, under Mr Kant's will, received an interest in remainder after an estate tail. This remainder could, by means of a "recovery," be prevented from taking effect.

[2] William Baillie had been raised to the Bench in 1792, with the designation of Lord Polkemmet.

the document, Lord Polkemmet, it is alleged, not a little proud of what he was about to do, addressed his son, as he took up his pen, in these impressive words: "Noo, Wullie, ye sall see what I'm gaun to dae; and maybe ye'll leeve to scart an auld pow, and no see the likes o' this again."

Probably, in the case of this eccentric judge, caution in some measure took the place of lucidity of intellect, and obviated the results of any want of the latter quality. A case in point is recorded where Henry Erskine, his friend David Cathcart (afterwards Lord Alloway), and Mr Clerk (afterwards Lord Eldin), had been pleading before Lord Polkemmet. Thus the Judge addressed the advocates:—

"Weel, Maister Askine,[1] I hae heard you, an' I thocht ye were richt; syne I heard you, Dauvid, an' I thocht *ye* were richt; and noo I hae heard Maister Clerk, an' I think he's the richtest amang ye. That bauthers me, ye see! Sae I maun e'en tak hame the *process*, and whamble't i' my wame a wee, ower my toddy—and syne ye'se hae an *Interlocitor*."

[1] This was a common Scotch pronunciation of the name, and is illustrated by one of the anecdotes told of the Dean of Faculty's repartee. During the progress of a case at the Parliament House, an advocate, not over bright, objecting to some question put by Mr Erskine, testily remarked, "Harry, I never meet you but I find you are always *Askin*." "And I," replied the Dean, "never meet you but I find an *Anser*" (*Latin*, goose). The spelling of this name in the old time was very variable. It is "Iresyn" in the *Ragman Roll*. "Areskine" was used by many of the family. With regard to the curious statement in the *Lives of the Chancellors*, that in Voltaire's *Letters on the English Nation* the name is given as *Hareskins*, an industrious reader of *Notes and Queries* (March 8, p. 197) writes to the effect that a careful perusal of the work has discovered no allusion to the Erskine family name. Another correspondent, however, points out, (p. 233) that in the *Histoire de Charles XII.* (liv. viii.) is given an account of the intrigues of a Scottish physician, named *Areskins*, in Russia. The passage runs: "Il (Goertz) fit d'abord sonder la cour de Moscow par le moyen d'un Ecossais, nommé Areskins, premier médicin du Czar. . . ." George Buchanan, it appears, has an epigram, "Joanni Areskino, Comiti Marriæ, Scotorum Proregi," beginning—

"Si quis Areskinum memoret per bella ferocem."

—*Omnia Opera*, Amstel., 1687, p. 408.

During that memorable and anxious time, when it was considered certain that Buonaparte would attempt a landing on the shores of England or Scotland; and when, as has been pleasantly related, "Monkbarns," "Mucklebackit," and "Mansie Wauch," with many other patriots, were ready at a moment's notice to receive him, the Erskines were no whit behind at the call of duty. Lord Buchan, with the young Duke of Athole, donned the kilt, and took command of a corps of Highland volunteers.[1] Henry Erskine did what he could by his endeavours to get the Highland Society to use systematically their influence for the common safety.

Thomas Erskine was expected to come prominently forward at this time, by reason of his former military experiences and the fact of his having written upon military subjects;[2] but his command of the Law Association, composed of the disbanded Lincoln's Inn and Temple Corps, was not a success. Indeed it was only now made apparent that he was not a born soldier, and had done wisely by acting upon the instinct which had led him to the Bar at an early stage of his career. He never, it appeared, had been fitted for the command of men. A little of that quality which was so strong in his sister Anne would have stood him in good stead now.

> "The mighty *Julius* pleading at the bar
> Was greater than when daring in the war.
> 'Tis of more renown
> To save a client than to storm a town."

Lieut.-Colonel Erskine had difficulty, it is said, in bringing the six companies composing his battalion through the simplest

[1] See *Kay's Portraits.*

[2] Lord Erskine is known to have written *Observations on the prevailing Abuses of the British Army*, 1772; *Armata*, 1807. He is sometimes—but erroneously—credited with the authorship of another book, *Advice to the Officers of the British Army; with some hints to Drummer and Private Soldier*, 9th ed.: Lond., 1787. This is a clever imitation of Swift, and according to the *Gentleman's Magazine*, Oct. 1801, p. 957, was written by "a Mr John Williamson." The book is curious and rare, and has been attributed also to Captain Grose; a copy of it, under the name of *Lord Erskine*, appears in the catalogue of Mr Maidment's sale.

manœuvres, without having the directions written down on a card prepared for him by the next in command, Major Reid, a perfect master of drill.

Every volunteer of the present day knows what a risky thing it is to attempt to execute a series of movements *by the card*, unless they have been carefully calculated for the ground where they are to be performed. The very zeal and intense military spirit which animated some of the Law corps—or *Devil's Own*, as they were now first styled—were the means of increasing this danger. It was so on one occasion at least. There was in the corps a certain Miles Walker Hall, of the Chancery Bar, called by Lord Thurlow "the Hun," from his singular cast of countenance. He held the rank of lieutenant and quartermaster, and was a red-hot soldier. After dinner it was his wont to cut up the corks and manœuvre them as companies and platoons. Moreover, he held the doctrine that implicit obedience was the first duty of a soldier, which no circumstance could warrant him in calling in question. This doctrine had nearly proved fatal to him.

One of those parades, by the card, was held in the Inner Temple Gardens. The battalion was marching towards the Thames, Hall being in advance. The front rank had got upon the gravel walk, and Hall had reached the parapet overlooking the river. Still he continued his march forward, and the next step would have precipitated him into the mud,—and probably broken his neck. One of the corps, seeing his danger, ran forward and caught him by the tails of his coat.

"Why am I stopped in my march?" cried Hall; "the word *Halt* has not been given."

"Why, man, though it has not, you would not have marched into the Thames?"

"I certainly should," said Hall, "had you not prevented me; a soldier should not look into consequences, but obey his orders. I heard no order to halt, and I should have advanced till I heard the word given."

It was this same zealous Quartermaster Hall, of the Temple corps, who, in his anxiety to keep the powder dry—for which he was responsible—determined to keep the whole of the ammunition of the regiment under his own eye, nay, under his own bed, at his lodgings at Tanfield Court; thus exposing himself—amongst other dangers—to the risk of an indictment, which the combined legal acumen of the whole battalion might not have sufficed to enable him to shake off.

Thomas Erskine's reputation as a commanding officer stood so low that another Lord Chancellor of the future—namely, John Campbell—would not join the corps of his patron, as he otherwise would have done, but preferred the B.I.C.A., or Bloomsbury and Inns of Court Association.[1]

Still, when the great review of the volunteers by George III. came off in Hyde Park, Lieutenant-Colonel Erskine's corps bore themselves well; and the particularly gracious return by his Majesty to the commandant's salute was the cause of no small jealousy on the part of the other legal corps.[2]

To the last, Mr Erskine entertained a kindly feeling for his old friend, the Duchess of Gordon. His memory took him back to the time when Jane Maxwell, and her scarcely less handsome and hoyden sisters, were his companions and neighbours in Hyndford's Close, hard by Gray's Close, where a great part of his own boyhood had been spent.

In her latter years the Duchess of Gordon fell upon evil times, when she was fain to look to Mr Erskine for the help she well knew he would be ready and willing to afford. There are one or two letters of her Grace about this time: the following to Lord Buchan and Henry Erskine are of interest:—

[1] See *Life of Lord Campbell.*

[2] "I think the finest sight I ever beheld was the great review in Hyde Park, before George III. The King, in passing, addressed Tom Erskine, who was colonel, asking him the name of his corps. He answered, 'The Devil's Own.'" —Twiss's *Life of Lord Eldon.*

Jane, Duchess of Gordon, to Lord Buchan.

"LONDON, *May* 22, 1803.

"You will think me ungrateful, my dear lord, for all your kind attentions to me, and still more unpardonable for not answering your letter. Your own mind will plead my excuse when you recollect the painful subject I must have entered upon—painful to both you and me; but in the midst of my joy I remember your friendship for Georgiana, and am happy to tell you she is to be married to the Duke of Bedford. He is the most amiable of men. Pray assure Mr Walter Scott of our kind remembrance. What is become of our other poet?[1] I have been so long in France that I know nothing of my friends, tho' I never do forget them. My best wishes to Lady Buchan. Your amiable brother—is there no hopes that law or politics may bring him to London? I never can express half the gratitude I feel to our gay neighbours, the French, for their kindness to me. The war astonishes all Europe. I cannot find out why. I regret it, and still hope this nation will be wise; and am, my d^r. lord, your most faithful

"J. GORDON."

The next letter seems to have been written to Mr Erskine when Lord Advocate:—

The Duchess of Gordon to Mr Erskine.

No date.

"MY DEAR LORD,—It has been often suggested by the benevolent and wise that some mark of his Majestie's bounty should be given to that part of the kingdom which gave birth to the brave 42^d. and 92^d. Reg^ts. Kingusie, *my favourite child,* is in the most centrical part of the Highlands. The Duke of

[1] Perhaps John Leyden, the *protégé* of Scott.

Gordon has laid out 000 [*sic*] to build a town; and for years I have given premiums for all kinds of domestic industry—spinning, dyeing, &c.—and last year had some hundred specimens of beautiful colors from the herbs of the fields, and different woolen productions. But there is an evil I cannot remedy without a sum of money. The children are totaly neglected in body and mind: cold, hunger, and dirt carries off hundreds. The cow-pox would save many; no doctors for 30 miles, makes many orphan families. They say they may be better in a foreign land; they cannot be more wretched. You once drew tears from brighter eyes than mine, in a poem[1] you gave Lady Cornwallis. These horrors still exist in the utmost extent,—lands raised, and no knowledge of agriculture; of course, worse than slaves; no principle of action; no care of their morals or health. If any convultion was to arise, either from foreign or domestic causes, liberty—a word so often used for the most cruel purposes — would soon raise a flame in their brave independent minds that would lead to most fatal consequences. They have no attachment to their country—except it being the spot where they were born, and where the 'rude forefathers of the hamlet sleep.' I wish to add to the comforts of the aged, and take the children,—teach them to think right, raise food for themselves, and prepare them to succeed to their fathers' farms with knowledge of all the branches of farming. Why Lady Stafford, with 80,000 a-year, should get money to build harbours where there is no ships, I cannot say. Much money has gone to Scotland for fishing-towns, harbours, &c. All might as well been thrown into the sea. A healthy, well-regulated people must be the proud richess of this country: by them we can alone be deffended. Forgive me. Do speak to Lord Grenville. I don't like to trouble him, though I know he would like to oblige the favorite friend of Lord Temple, and a person who has shared

[1] *The Emigrant.*

many cheerful social hours with him and the immortal and ever to be regretted Pitt.—Adieu. God bless you.

"J. GORDON.

"I send one of my papers."

The literary power shown in several of her letters is not unworthy of the reputation she had achieved of being the cleverest woman of her day.

But for all the light-heartedness, which was her chief characteristic for so many years, her latter end was very sad. She who had shown so much kindness to others came to be in grievous need of some measure of it for herself. Robbed of her political power, estranged from most of her family, not even on speaking terms with her husband, and leading a wandering, almost a homeless life, her case presents a marked instance of the ephemeral character of all human hopes.[1] At this stage in her career, her only trust seems to have been in the ability of her old ally, Harry Erskine, to help her in the midst of the disputes which had unhappily arisen between herself and the Duke. This is very clearly shown by a number of letters, written during the year 1805, by the Duchess of Gordon, chiefly to Mr Farquharson of Haughton, her agent in Edinburgh, which were printed a few years ago.[2] In these, while complaining of her circumstances, "taxes," and "double prices of everything," the poor lady writes almost despairingly, "Talk to Mr Erskine;" "Give this letter to Erskine, and you can talk it over together;" "Mr Erskine must have them all [her papers];"—and so on.

Mr Erskine's true-heartedness in his old friend's trouble is shown in the following short note, addressed to Mr Farquharson, in reference to these matters:—

[1] *An Autobiographical Chapter in the Life of Jane, Duchess of Gordon.* Glasgow, 1864. (Privately printed) by James Wyllie Guild, Esq.

[2] *Ibid.*

"AMMONDELL, 30 *July* 1805.

"MY DEAR SIR,—I have received Mr Adam's letter, as also one from the Duchess, saying she will be in Edinburgh by Tuesday (*i. e.*, this day) or Wednesday at farthest. The moment I get notice of her Grace's arrival I shall go to town. In the meantime I wish that, till I have seen the Duchess, nothing shall be said to her on the business.

"HENRY ERSKINE."

The compiler of the autobiographical chapter remarks that it is not known if the arrangement of the business referred to was carried into effect. It is to be feared it was not satisfactory.

It was in regard to this misunderstanding, apparently, that the Duke of Gordon wrote a somewhat peremptory letter, dated 17th October 1806, to Mr Erskine, which, his son says, "grieved my father's kind heart greatly on his old friend's account." "I was in hopes," wrote the Duke, "after the trouble you took in arranging the Duchess's separate establishment, that your award would have been considered liberal and satisfactory to her Grace and her friends, and it was my wish to have carried it into execution in the most accommodating manner." The object of this letter, copies of which were sent to Mr Adam and Mr Farquharson at the same time, was to demand of Mr Erskine the *decreet arbitral* which had been drawn up by him. Upon receipt of it, the Duke intended to resort to stronger measures. It is easily intelligible, therefore, that Mr Erskine was vexed that his efforts for the good of her who had trust in him were likely to lead to nothing but further misery.

The Duchess of Gordon was a firm believer in the infallibility of the Prime Minister,—Mr *Pett* her Grace pronounced him,—and a steady adherent of the Queen, and, by conse-

quence, had little liking for the motley troop[1] who usually hung on by the Prince of Wales. There was little sympathy, therefore, between her and his Royal Highness

Of the Duchess of Gordon, the Earl of Buchan, Mr Erskine's son, wrote: "Sometimes she had a real wit[2] that made her conversation very agreeable, but she wanted refinement; and if all stories were true, she occasionally lacked something more. . . . . She was accused of interfering in politics, but it is not probable that the turn of her mind led her much to that species of intrigue. However, she was mixed up with some of the Whigs sufficiently to sharpen against her the tongues of the other side. When she returned from a visit to Paris during the short peace, some reports unfavourable to her patriotism had preceded her; it was declared she had said openly 'That she hoped to see General Buonaparte breakfast in Ireland, dine in England, and sup at Gordon Castle.'

"A strange scene occurred between her and the Prince of Wales soon after. When she met him at Lady Mildmay's, she complained that she had been calumniated at Carlton House; she wondered that H. R. H. should allow her to be spoken of in that way; she had taken Mr Erskine's opinion, and was resolved to prosecute the man; she hoped the Prince would tell her who it was. The Prince answered with his

[1] It is recorded that on one occasion "Jack Payne, the Prince's secretary, uttered some ribaldry about the Queen in presence of the Duchess of Gordon. 'You little, insignificant, good-for-nothing, upstart, pert, chattering puppy,' said her Grace, 'how dare you name your royal master's royal mother in that style!'" —Lady Harcourt's *Diary*, quoted by Mr Fitzgerald.

[2] Several of the encounters between her Grace and Mr Erskine that have been remembered bear out this statement. Some of these, though very clever, are, it must be confessed, too much in the style of the last century—*trop peu de retenue*—to be acceptable in our day. Not so the Duchess of Gordon's remark to David, Earl of Buchan, when he was speaking somewhat too eloquently on the brilliant talents of his family,—it is well known. Her Grace inquired if it were not the case that the family talents had come by *the mother's side*, and so were "all settled on the *younger sons*."

wonted tact and dignity, 'he never repeated anything said in private conversation, and recollected nothing of the kind.' The Duchess insisted, and named Lord C——, and broke out with much vehemence, 'I know that fellow! I know he can't bear me! I made him leave a company in Paris by telling him what I thought of him.' 'Your Grace is quite capable of doing so,' said the Prince, and retired from the contest. This was in her style. But she must have made it up with the Prince, for she introduced me to him two years after at Lord Rosslyn's. When he saw me, he said to his companion standing near him, with an oath, as was the fashion then, 'By ——, Maynard, if Harry Erskine has a son, that must be him!' And the Duchess brought me up to him, saying, 'Your Royal Highness is quite right,—this is young Harry.' The Prince addressed some gracious sentences to me, but there were too many eyes upon us for me to know what I answered. He was at that time remarkably handsome, his whole air and manner full of royal grace and dignity; a charming gaiety, too, about him—it must have been easy for him then to win hearts. He invited me to Carlton House, but I was too shy to go. Though I never saw him again, he sent me a very kind letter when my father died."[1]

[1] Earl David laid at the feet of the Duchess a copy of verses, which are not a happy effort. Sir Brooke Boothby, the *dilettante* friend of Goethe and of Lord Buchan, not content with the expression of his own devotion, must needs parody the Earl's effusion in *A Second Edition of Lord B——'s Verses to the D—— of G——*. Perhaps the best lines in this lengthy piece are these—

> "Lord! what a waggon-load of hearts!
> Six oxen fed on turnips stout and strong,
> With force united straining every nerve,
> So huge a load could scarcely move along."

A copy of the poem is among the Earl's papers, endorsed in his lordship's hand, "Addressed to the Duchess of Gordon on her leaving Scotland in Octo. 1811. Copied for Lord Buchan by Lady Jane Montague, daughter of the Duke of Manchester." Constable gives these lines as Leyden's.

Jane, Duchess of Gordon, died on the 14th April 1812; and one who knew her well has written of her thus: "So the great leader of fashion is gone at last—the Duchess of Gordon! Her *last party*, poor woman, came to the Pultney Hotel to see her coffin. She lay in state three days in crimson and velvet; and she died more satisfactorily than one could have expected. She had an old Scotch Presbyterian clergyman to attend her, who spoke very freely to her, I heard, and she took it well."



CHAPTER XV.

OFFICE OF LORD JUSTICE-CLERK—DEATH OF MRS ERSKINE—HARRIET ERSKINE—ERSKINE MUNRO AND HER VERSES—MARRIAGE OF MR ERSKINE—USE OF DROLLERY AT THE BAR—EXAMPLES OF HENRY ERSKINE'S: THOMAS ERSKINE'S—AFFAIR AT "THE COCK," TEMPLE BAR—THOMAS ERSKINE AND JACK LEE — ENGLISH, IRISH, AND SCOTCH ORATORY—LORD BROUGHAM'S OPINION OF MR ERSKINE'S STYLE—LORD BRAXFIELD AND SIR JAMES COLQUHOUN.

On the 27th December 1803, Thomas Erskine wrote to his brother: "I cannot make out Fox's politics; his flirtation with that most contemptible Windham astonishes me not a little. He is in the country, and I have not seen him to know what he would be at."

What particularly excited Thomas Erskine's wrath at this time, was the idea that those who had been firmly attached to the opinions held by the advanced Whigs, should join and take office under the Government.

Early in the next year he wrote again: "I am afraid we have no chance of influencing Addington in his course. It is true that he and Pitt are separated for the present; but the course Fox is daily taking at the Whig Club makes it out of the cards that he, or any who are proscribed along with him, should have any chance of influence or favor with the King; and having none with *him*, Addington can have no interest in being connected with *us*, whom the King always had a prejudice against. . . . Addington's moderation, and even his

weakness, are great national advantages, compared with the insolence and principles of his opponents. The taking Hanover may perhaps operate with the King, and make him more open to fair propositions of peace. God knows, our situation is extremely critical."

Before this year was far advanced, an attempt was made to induce Thomas Erskine to follow the example of some others of his party, and to take an important office under the Government. But on consulting the Prince of Wales, and several of the Prince's friends, he was strongly dissuaded from accepting the promotion offered.

The state of things at this time, according to Thomas Erskine's estimate, is thus shown in another short letter: "Addington has the plainest cards to play, if he would but play them. He is afraid to do the only things which can establish him; and I fear it will be always so. He stands alone upon the King's partiality; he is therefore reduced to temporising measures; because, while he can keep together the discordant materials of his own administration, those of the different oppositions secure him in his place, and without some great disaster to the nation, or the King, nothing can shake him." His administration did, however, come to an end in less than three months.

In this same letter his brother tells Henry Erskine that the place of Lord Justice-Clerk will be, for certain, offered to him when it becomes vacant; a proof of the estimation in which he was held by his political opponents.

In due course the post was vacated by Lord Eskgrove, but it does not appear that it was offered directly to Mr Erskine; on the contrary, Charles Hope, who had succeeded Mr Dundas as Lord Advocate the year before, had the option of accepting it. In view of the previous relations of these gentlemen to one another, the circumstances connected with this appointment are peculiarly refreshing to read of. Charles Hope had been one of those specially put forward to move Henry Erskine's dis-

missal from the Deanship. But this untoward incident, it seems, never for a moment alienated his regard for Mr Erskine personally. "It is needless," remarks Lord Cockburn, "to say that the motion never cooled Erskine's affection for Hope, and neither did it Hope's for Erskine."

When the offer of the post of Lord Justice-Clerk was made to Charles Hope, "he"—writes Lord Buchan—"came to my father and told him he need only signify his willingness to accept, and he would immediately have the office. My father expressed a great reluctance to appear to separate himself from the friends with whom he had so long been politically connected. Charles Hope represented that he would in no degree, by accepting, renounce his principles or his party, nor hamper his future conduct. The office would have been highly agreeable to him, and the salary was much needed; his ready generosity had forbidden him to lay bye much more than he had engaged to pay as the price of Ammondell. But unfortunately, as I think, and as all but himself thought afterwards, a scruple of separating his fortunes from those with whom he had ever believed himself closely united by a common principle, was the uppermost idea in his mind. In much less than the twenty-four hours mentioned by Charles Hope, my father wrote positively to decline."

When Thomas Erskine intimated to his brother the probability of this important office being offered to him, he never seems to have dreamt of Henry Erskine refusing it. His son's account of the incident is corroborated by Lord Cockburn. "It has been often said, and often denied, that before taking this place to himself, he [Charles Hope] offered it to Henry Erskine, and urged Erskine to take it. There can be no doubt with me of his having made this very handsome proposal, because he told me himself that he had done so, and that Erskine, after consulting his friends, declined." [1]

Lord Buchan writes: "My mother died this spring [1804].

[1] *Memorials of his Time*, pp. 185, 186.

She had been a great invalid, and long confined almost entirely to bed. She was able sometimes to rise in the evening, and then she sat up late. At the time of her death she had appeared to be much in her usual state of health. My father had been long asleep, when about two in the morning he was awakened by the noise of something falling. My mother seemed to have reached at something behind a press, and to have fallen dead in an instant. He lifted the slight delicate frame, and sent for help, but nothing could be done. . . .

"When my father was left a widower, my sister Harriet was going out in the world, desperately fond of gaiety, of which there was plenty in Edinburgh in those days. Her mother's invalid habits requiring little attention, and her father's occupation with business left her much liberty for such things. She was remarkably pretty, full of fun and spirit."

His daughter's constant engagements in the gay world made Mr Erskine feel the life at Ammondell lonely enough; therefore it is not surprising to learn that he married again earlier than he perhaps would otherwise have done.

One of Harriet Erskine's most intimate friends was a young lady, Erskine Munro by name, a sister of Sir Thomas Munro, Governor of Madras, who mentions his sister Erskine (her Christian name) repeatedly in his letters. When a "little past her girlish years" she had married Mr James Turnbull, an advocate, who died very shortly afterwards. Mrs Turnbull had a highly cultivated mind, and was distinguished by an excellent taste in drawing and painting, and various other accomplishments.

The sister of this fascinating lady, Margaret Munro, wife of Mr Harley Drummond, was then residing at Hatton, in the neighbourhood of Ammondell, where Mrs Turnbull frequently came on visits to her friend Harriet Erskine.[1] Somewhat to

[1] Some years later Harriet Erskine became Mrs Smith of Dunesk: she possessed a certain measure of her father's quaint style. In the latter part of her

the vexation of the latter, Mr Erskine became impressed by the brilliant and attractive qualities of his daughter's friend; and they were married at Leven Lodge, near Edinburgh, on the 7th of January 1805.

From accounts, it seems that Mrs Erskine was well fitted to occupy the position which now became hers. She was a poetess of some merit. One or two of her pieces, indeed, were of such quality as to entitle her to the commendation and friendship of Mrs Grant of Laggan, the well-known authoress of *Letters from the Mountains*, at this time the chief of a literary *coterie*, over which she is said to have ruled with a heavy hand. Two of these pieces of Mrs Erskine's had a marked success,—an *Ode to Indifference* and *An Address to Old Maids*.[1] Mrs Archibald Fletcher also was an attached friend of Mrs Erskine, and throughout her *Autobiography* is very eloquent in her praise, — describing how she, by her delightful society, lightened the latter years of her distinguished husband's life as no one else could have done; and how she could appreciate alike his wit and his wisdom, and was a support to him by her unfailing cheerfulness; for "the evening sun beat not softly on him."

Lord Campbell has spoken of the intense curiosity there was on the first appearance of Mr Erskine professionally in London, to hear him speak, and to compare his style with that of his younger brother. Though both made ample use of humorous fancies in their conduct of a case, there is enough to show that Henry Erskine's method was rather to interest his hearers

life Mrs Smith suffered much from ill health, and adopted a morose form of religion. When her brother succeeded as twelfth Earl of Buchan, it was the wish of the family (especially of the numerous daughters of Mrs Callander of Craigforth) that the courtesy rank usually granted in such cases should have been asked for the Earl's sisters. Unanimity in the application was necessary. But Mrs Smith when consulted would only repeat, "I daresay, my dears, it would look very well *on my coffin*."

[1] The latter clever piece was printed with Mrs Dunmore Napier's edition of *The Emigrant*.

by variety, or by a quaintly put illustration, than to seek to amuse them, or to ridicule his adversary—

> "Laughing to teach the truth,
> What hinders? As some teachers give to boys
> Junkets and knacks, that they may learn apace."

Something of this sort seems to have been his theory, rather than his brother's idea of seeking, as he sometimes did very successfully, to gain his end by presenting his adversary in a ludicrous aspect.

There are cases which illustrate in some measure what is stated. Mr Erskine had been several years at the Bar, and his character established as a leader of the first rank, when he was engaged in a case, with a somewhat inexperienced young hand as his junior. The cause was heard before the "fifteen" lords. At one stage of the trial, while the junior counsel was addressing the Bench, a discussion arose upon a point of law of some nicety; a debate of considerable warmth ensued, in which several of the judges took part. Precedents were referred to, and a case was found which it was thought might possibly be read as having a bearing on the point at issue. The young lawyer, however, had more zeal for his client than tact in the management of a somewhat delicate question. With finger on book, he continued his remarks, saying that, "with the case of Tosh and Macfarlane" (or some equally valuable precedent) "before them, he *was surprised* to hear their lordships say so and so." Instantly he was snapped up by more than one of the venerable senators, who had "never heard sic impidence,"—"Was this what the Bar was coming to?" and so forth. Of course, regret was expressed by the speaker, but throughout the rest of the address it was but too evident that the young advocate had "stroked widdershins" the judicial ermine to an extent which boded no good to the case Mr Erskine had in hand. It therefore became necessary to remove the unfavourable impression that had been produced, without a moment's loss of time.

"The much-revolving, witty *advocate*" applied himself to this as soon as he rose to speak. He took the earliest moment, he said, of expressing his concurrence in the regret felt by his young friend for the ill-advised but thoughtless expression that had fallen from him. But of one thing, he said, he could confidently assure their lordships: "when my young and inexperienced brother has practised as long at this Bar as I have, I can safely say he will be *surprised at nothing* your lordships may say!"

The laugh which ensued had the effect desired by the crafty

> "Erskine, who, whene'er he spoke,
> Made Law seem lightsome by his mirthful joke;
> Even stern-faced Newton could not gravely sit,
> But shook his wig at Harry's playful wit."[1]

Lord Erskine's "method" is shown by one or two little incidents which have been recorded. It is probable that neither "the plump waiter at the Cock" himself, nor many of the "chance comers" who resort thither to indulge in Tennysonian sentiment and the now traditional "pint of port," are aware of the tragedy which once disturbed the quiet little retreat at Temple Bar, so full, also, of Pepysian memories.

The landlord of the "Cock" in Lord Erskine's time was a man of great size and bodily strength. His house was then much frequented by country attorneys. One evening a spruce little specimen of that profession came into the public room, booted and spurred; cold and wet, just off a journey. He settled himself comfortably in a warm box opposite the quaint old fireplace, but soon it was found that the means he took to thaw his inner man let loose a flow of acrid humour offensive to the other guests. He became so noisy and troublesome that they determined he should be expelled, and called on the big landlord (the plaintiff in the suit which followed) to carry out their wishes—and him. The host approached the little

[1] *November Twelfth.*

lawyer with great courtesy, and gave notice to quit, in accordance with the desire of the rest of the company.

The attorney took exception to the law of the landlord, insisting on his right, and valiantly declared that he should defend his possession to the last extremity.

Ultimately the host, acting under a *habeas corpus* of his own issuing, caught the little man up in his arms and proceeded to evict him forcibly. The diminutive hero, brave in the consciousness that he had his quarrel just, was furnished with no better weapons of offence than his tongue and spurs; these latter he used with such deadly effect that the knees and shins of the host were a pitiable sight. The *arena*—that is to say, the well-sanded floor of the "Cock"—was dark with the blood of the landlord.

For this he brought his action. The defendant, of course, pleaded that the first assault was made upon him. Thomas Erskine defended him at the trial, which took place at the Guildhall, before Lord Kenyon: with much ludicrous detail he described the combat, and, with assumed gravity, appealed to the jury if instinct had not pointed out to every animal the best means for its defence. *Dente lupus cornu taurus petit.* His client had no weapon except "his spurs" to oppose to the violence of his assailant of the "Cock."

This suggestion of a bantam, opposed in deadly conflict to a gigantic "Cock," was irresistible; the jury were in fits of laughter. But Erskine was not disposed to stop here. To the law cited on the other side, he said, he should oppose a decided authority from a work of long standing, and held in the highest estimation. Lord Kenyon, expecting that some text-book was about to be cited, took up his pen to make note of the point.

"From what authority, Mr Erskine?" said the Chief Justice.

"From *Gulliver's Travels*, my lord."

The picture presented of Gulliver dandled in the arms of his Brobdingnag friend was too much for judge or jury.

Of a similar character, but with less of direct motive, was

his defence of the proprietors of a stage-coach, who were sued for the loss of a box belonging to the manager of a travelling menagerie. He wound up his address with the impressive statement that the plaintiff would have done well to have taken a hint from the sagacity of his own elephant, and travelled *with his trunk before him*, under *his own eye*.

At an early stage of his career at the Bar, Thomas Erskine distinguished himself by his mimicry, on a certain occasion, of the peculiar style of Jack Lee, one of the best known leaders at that time. Erskine, at the close of his speech, crossed his arms on his breast, and hit off, with some success, the loud vulgar manner of his opponent.

When it came to Lee's turn to reply, "This gentleman," he said, "they tell me has been a sailor; they say, too, he has been a soldier, — and will probably finish his career as a mountebank at Bartholomew Fair." [1] This rancorous remark did no harm to Erskine,—rather the contrary, it was an advantage. It was retailed as a proof of Lee's jealousy of the rising young barrister, and envy of his increasing reputation. It was a blunder only short of the greater error made by the same gentleman when he became for a short time Attorney-General, and in Parliament uttered a sentence, long remembered: "What was a charter but a piece of parchment with a piece of wax appended to it?" He suffered deeply in professional character in consequence of this absurdity.

Alluding to the occasion already referred to, of Henry Erskine's first appearance in London, Lord Campbell writes: "I remember hearing him plead a cause at the bar of the House of Lords. All the courts in Westminster Hall being

[1] Many years after this, some persons wrote to Lord Erskine, saying that they had made bets as to whether he had been "*bread* to the army or to the navy;" opinions differed, and they took the liberty of asking his lordship himself. Lord Erskine replied that "first he was *bred* to the navy, then he was *bred* to the army, but as neither was *bread* to him, he had tried the law."

deserted from a curiosity to compare the two brothers—and full justice was done to the elder."[1]

The difference in the training they had severally undergone was sufficient to account for a dissimilarity in style. At the time in question—whatever may be the case now—there was understood to be a marked distinction observable between the modes of oratory, peculiar respectively to the English, Irish, and Scotch Bars—the result of national temperament, it was thought, as much as of any other cause. In two stanzas[2] Lord Byron has drawn a clever sketch showing the difference between Lord Erskine's style and that of Curran, then the representative speaker of the Irish Bar—

"Longbow from Ireland, Strongbow from the Tweed."

It may not be too much to assert that the qualities which the poet discerned in Lord Erskine's oratory were, in fact, those which the great lawyer had inherited as his share of certain national characteristics. For it is considered that we in Scotland have a forensic eloquence of our own—more specious, discursive, and ambitious than that of England, but at the same time, less poetical and passionate than that of Ireland. On the one hand, there is the logical acuteness and fearless questioning of authority peculiar to the Scotch as a nation, abundant store of which, if of nothing else, Thomas Erskine took with him to the sister country; and on the other, the richness of imagination and promptness of feeling as strongly characteristic of the Irish.

"Strongbow was like a new-tuned harpsichord;
But Longbow, wild as an Æolian harp,
With which the winds of heaven can claim accord,
And make a music, whether flat or sharp.
Of Strongbow's talk you would not change a word:
At Longbow's phrases you might sometimes carp."

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[1] *Lives of the Chancellors*, ix. 104.

[2] See *Don Juan*, canto xiii., stanzas xcii. xciii.

Moreover, it was the belief that in England the small number of courts and judges compared with its great wealth, population, and amount of business, had made brevity and despatch indispensable in an advocate of great practice, as it would be practically impossible either for him, or for the courts, to get through the work without attention to such points.

In Scotland time was of less value.[1] Besides which, at the period in question, the advocate had to address himself chiefly to the judges, the result being that less of reliance was placed upon the effect of pathos, or of poetic figures, than on subtlety, or compass of reasoning.[2]

What Henry Erskine's style may have been, either in Parliament or at the Bar, we have little, if any, means of judging for ourselves, seeing that none of his speeches have been preserved entire.

Cardinal Erskine, in a letter which will be noticed further on, deplores this fact, and regrets that his cousin Henry Erskine's rhetorical achievements were not collected, as was done in his brother's case. We can hardly agree with Monsignor Erskine in this opinion, or profess to share to any extent in his regret. Though the professional style was of the most brilliant order, Henry Erskine's efforts were, as a rule, devoted to matters which, while they were of the last importance to those concerned, were of comparatively little inter-

[1] One of the best things uttered by Lord Cockburn relates to this peculiarity of the Scotch Courts. Mr H—— was one of those pleaders who taxed the patience of jury and judge by his long-windedness. On one occasion he began his speech upon evidence that had been adduced at an early hour in the day. Hour after hour slipped by, and still the stream of talk flowed on. A listener, who had been present in the morning when the advocate began, returned in the afternoon and found him still apparently far from the close of his address, and ventured on the remark—

"Surely H—— is wasting a great deal of time."

"Time!" cried Lord Cockburn, "long ago he has exhaustit *Time*, and has encrotch't upon Eternity."

[2] See remarks on this subject in *Edinburgh Review* for May 1820.

est to others. Lord Cockburn very soundly asks: "What preserves the forensic glory of Thomas Erskine except the *State trials*, which gave subjects of permanent dignity to his genius, and which, thus sustained, his genius made immortal? Few such occasions occur in England, and far fewer in Scotland."[1] Mr Erskine did appear in one of the Scotch State trials, where the prosecution was withdrawn upon a point of law.

Besides the qualities as speakers which the two brothers shared in common, Henry Erskine's copious stores of classical illustration and figures, which he was in the habit of using with the utmost grace, imparted a charm to his style which was wanting in Lord Erskine's manner of address. The scenes of his early life may have taught the younger brother "handiness" and resource, but they prevented him from acquiring those graces of expression which classical study alone can give, and the want of which, in his best speeches, Lord Brougham has pointed out. This was a serious defect in the days when every great Parliamentary speech was considered to relish better "with Latin spice cast in,"—a couple of hexameters from Virgil, or a well-chosen line from Horace; but—as Lord Beaconsfield has told us—*never* a word from the Greek.

From Henry Erskine and his brother it was—as he himself has said—that Lord Brougham acquired many of the axioms of successful pleading, the results of their experience. For example, that it is the first quality of an advocate to sacrifice everything to the cause; to indulge in no topic, nor any illustration nor any comment, not even a phrase or a word, that does not directly and manifestly serve the cause in some material particular.

Lord Brougham has likewise expressed his views very clearly regarding Mr Erskine's powers as a speaker at the Bar. It is testimony of great weight by a professional witness of the highest importance which we have in that passage where he states that he considered that Henry Erskine had,

[1] *Life of Jeffrey*, i. 244.

on one occasion at least, surpassed his brother in his own peculiar province. This is what he says:—

". . . A very great mistake was committed by bystanders, or generally by those who either heard, or heard of, his speeches, and fancied they were all joke,—all to amuse the court, or at best to turn his adversary and his arguments into ridicule. He was a most argumentative speaker; and if he sometimes did more than was necessary, he never for an instant lost sight of the point to be pressed on his audience, by all the means he could employ, and which really were every weapon of eloquence except declamation and appeals to the tender feelings. Of course, a great cause placed him more under restraint, and more called forth his exertions; yet it was singular how much he would sometimes labour even in the most ordinary matters. However, if I were to name the most consummate exhibition of forensic talent that I ever witnessed, whether in the skilful conduct of the argument, the felicity of the copious illustrations, the cogency of the reasoning, or the dexterous appeal to the prejudices of the court, I should without hesitation at once point to his address (*hearing in presence*) on Maitland's case; and were my friend Lauderdale alive, to him I should appeal, for he heard it with me, and came away declaring that his brother Thomas (Lord Erskine) never surpassed—nay, he thought, never equalled it."[1]

It does not appear that Mr Erskine ever experienced in Parliament the difficulty in acquiring the habits and style peculiar to that Assembly which proved a serious obstacle to more than one distinguished Scotsman who succeeded him. In fact, Henry Erskine's diction (the chief point of difficulty in the cases referred to) was of such purity and elegance as to delight all hearers, whether English or Scotch. Lord Brougham says there was no trace of provincial accent. Lord Jeffrey, after describing the charming facility of Mr

[1] *Autobiography*, i. 230, 231.

Erskine's eloquence in debate, adds, "As yet he has no successor. That part of eloquence is now mute—that honour in abeyance." Whether there has yet been seen at the Scottish Bar a speaker who could be justly said to be the successor of Henry Erskine in this respect, is a point on which the Faculty are the best capable of giving an opinion. Probably Francis Jeffrey himself approached as near to that standard of excellence as any advocate has done since the period referred to. But the fatal drawback to his speaking effectively in Parliament, whatever may have been the case at the Bar,[1] seems to have been that curious style of dialect which led old Lord Braxfield to assert that in his brief residence south of the Tweed, "The laddie had tint his Scotch, but fand nae English."

Braxfield, whether he had occasion to swear at his wife (or any other lady) for playing the wrong card at whist, or to chuckle over a questionable joke, or to sentence an advanced Whig to a good hanging, had always a pithy word to say, and he was in this instance no doubt correct in some degree; for, if Thomas Carlyle's somewhat pointed *Reminiscences* on this head may be taken, Jeffrey's dialect was a terror to the Parliamentary reporters.

The mention of Lord Braxfield's name will ever be suggestive of good stories. One or two of these were treasured by Henry Erskine.

At a whist-party, Sir James Colquhoun, who has already been mentioned, had the misfortune to "cut in" with the Judge. The Baronet, more confident in Lord Braxfield's power of language than in his own whist, refused to sit down till he had made his stipulation. "Noo, my Lord, afore oo begin, ye maun promise *no to misca' me.*"

"Na, na, Jemmie, sit ye doon; I promise I'll no do that."

Many hands had not been played, when Braxfield, in utmost wrath exclaimed, "Ye ——— blockhead and eedit! what garr'd ye play *that* caird o' a' the cairds i' the pack?"

[1] Upon this point see *Peter's Letters to his Kinsfolk.*

"Noo, my Lord, did ye no promise that ye wadna misca' me?" pleaded the erring partner.

"Naither I did, Jemmie; naither I did;—I appeal to this company if I *misca'd* ye."

It has been shrewdly pointed out by a discriminating writer, that all the stories of Braxfield are better served up with a few blanks, *without* the seasoning necessary to their perfect reproduction—the reader will then be free to add the amount of spice his taste may suggest.



CHAPTER XVI.

DEATH OF MR PITT—LORD MOIRA—"ALL THE TALENTS"—LORD ADVOCATE—PRE-REFORM ELECTION CUSTOMS—M.P. FOR NORTH BERWICK, JEDBURGH, ETC.—ADVICE FROM CONSTITUENTS—MR ERSKINE IN PARLIAMENT—SPEECHES—MUTINY BILL—TRAINING BILL—FREEHOLD ESTATES BILL—MINISTERS' STIPENDS—SCHEME FOR THEIR IMPROVEMENT—*CŪRATOR* OR *CURĀTOR*.

By the middle of January 1806, it became evident that the hands of the strong man who had so long guided the course of the nation's counsels must soon drop from the helm. The opposite party were not slow in making their arrangements in view of the changes that must ensue.

Thus the Earl of Cassillis wrote, with every sign of haste :—

(*No date.*)

"My dear Erskine,—Since writing to you this mo^{g}, I have learnt that *Pitt is not dead*,—information this moment arrived that, at 4 o'clock, there was life in him, but that was all; he has all the symptoms of death on him. At twelve o'clock his senses returned, when he asked the doctors how many hours he could live, they told him only a few. He then made all his arrangements ab^{t} his will and saw Ld Hawsbury (*sic*). The post is waiting.—Your faithfull Cassillis."

This letter is endorsed 22d January 1806. The great statesman breathed his last on the following day.

In the family correspondence of this period there is evidence of the very diverse views taken of the great man who had passed away. While acknowledging that he had been the possessor of "the most brilliant talents, animated by a sincere love of his country, in eloquence without a peer," the Erskines appear to have endorsed the opinions of those of their correspondents who thought that Mr Pitt "was not possessed of the coolness, judgment, and length of view sufficient for the times in which he lived; and that his power and influence were too great for any subject,[1] and such as they never desired to see in any hands again."

The tender care of Lord Moira[2] for the future of a new Administration is shown in the following letter to Mr Erskine, written seven days after the death of Mr Pitt. The circumstances alluded to were these. On the promotion to the Bench of Lord Robertson, who had been Procurator for the Church

[1] It was this feeling which led to the use of such phrases as "William the Conqueror," "Competitor for the Regency," and so on: while many were fain to sing of the skilful "Pilot that weathered the Storm," others would tell how the "National Charioteer," in driving the "State Coach," found—

> "The load was so heavy—so dark was the night,
> That he soon lost his way—yet he swore he was right.
> In vain did the wretches discover their fright;
> In vain did they ask—nay, insist they would light—
> He told them he drove for his *master the King;*
> And 'twas then they found out—they had *lost the check-string.*"
>
> —*Ode at the Anniversary of Mr Fox's Birthday.*

[2] Francis Rawdon Hastings Hastings, second Lord Moira, born 1754, succeeded his father in 1793; he had distinguished himself in the American war from 1773 to 1782. In 1803 he was appointed Commander-in-chief in Scotland, and the next year married Flora, Countess of Loudoun in her own right: they lived at Duddingston House, and were very popular. In 1806 he was made by "the Talents" Master-General of the Ordnance. His good judgment, military reputation, and intimate relations with the Prince of Wales, gave him a high *prestige*. In 1807 and 1812 there seemed a probability of his being at the head of the Government. He received the Order of the Garter, and was appointed Governor-General of India in 1813. In 1816 he was created Marquis of Hastings.

since his contest for that office with Henry Erskine in 1779, a similar competition for the post arose between Mr Moncreiff (the "torch-bearer" in the affair of the Deanship) and Sir John Connell, son-in-law of Sir Ilay Campbell. It was to prevent such contention, no doubt, that Lord Moira wrote to Mr Erskine. The enterprising young advocate, however, was apparently not to be withheld by State policy from aiming at an honourable post. The contest did take place,[1] and when the matter came to a vote, Sir John Connell was elected. Mr Moncreiff was afterwards consoled by being made Sheriff of Kinross—through Mr Erskine's, the Lord Advocate's, influence.

Lord Moira to Mr Erskine.

"EDINBURGH, *Jany.* 30, 1806.

"MY DEAR SIR,—The event has occurred which, in a late conversation, we considered as probable. In looking to its consequences, I must again advert to what I said to you respecting Mr Moncrieffe. It is, in my judgement, of infinite importance that the Church of Scotland should not be entangled in disputes thro' any contest at present. The object of a new Administration, if it is to answer the exigency of public circumstances, must be to collect the cordially united efforts of every description in the community to the general defence. Let me therefore urge you again to press upon Sir Henry Moncrieffe the expediency of persuading his son to withdraw from his canvass. It shall be regarded as a sacri-

[1] Mr Alexander Murray, writing to Mr Archibald Constable at this time, says, "Most of the clergy are red hot on politics. It seems that Moncreiff and Connell, the two candidates for the Procuratorship, have moved the whole country in their respective interests. Galloway, Selkirk, and Kenmure, and a number of the landholders besides, are for Moncreiff. . . . The ministers generally are disposed to serve Connell, who, they say, is the son-in-law of a man who has often augmented their porridge in a friendly and miraculous manner."—*Arch. Constable's Corresp.*, i. 244. The augmentation to a minister's stipend is usually granted by the Court in so many *chalders* of oatmeal, or grain.

fice made to public convenience, and shall, as such, not be forgotten. No false color can be thrown on his taking such a step at present, when his prospects of attaining the object must be supposed to be rendered naturally brighter than they were before. Excuse the haste in which I write. The point appeared to me so important, that I did not like to leave Edinburgh without addressing you upon it. MOIRA."

Lord Cassillis to Mr Erskine.

"BROOKES, 1*st Feby.* 1806.

"I am not yet able to send you any details of the Cabinet. The newspapers contain all that is known. Your brother certainly has been *fixed on* by both partys for Chancellor, and his name is gone to the King to fill that office; but there is a great *deal of speculation* ab^{t} his Majesty's assent; in the club-houses *they say* he is too *nearly allied* to the Prince. I hope, however, his Majesty will agree. I was wth the Prince for three hours this mo^{g}.—In haste, your very faithfull

"CASSILLIS."

In February the new Administration—"All the Talents," as they are said to have styled themselves, on the ground that they included all the available wit, wisdom, and ability in the country—was formed; Lord Grenville Prime Minister, and Thomas Erskine Lord Chancellor.

On the 20th February the Earl of Lauderdale, who had by this time so far got over his extreme Republican views as to allow of his being nominated a member of the Privy Council, and to receive from royalty the distinction of a peerage of the United Kingdom, wrote to Mr Erskine from London:—

". . . I kissed hands to-day for the peerage. His Majesty looked very well, and received the citizens of London with the address, surrounded by the new Ministers. You

would have hardly known the Chancellor, he looked so solemn. I could not persuade myself I had ever heard him joke in my life.

"There is no news but what you know. In the formation of a Government, consisting of various parties, there has necessarily occurred difficulties, but everything goes on well and smoothly; and it is to me surprising that there has not been more jarring in the course of the whole business.

"Have you any plan for getting into Parliament immediately? LAUDERDALE.

"I think I will manage, if you have no view of a seat, to get you in this session. You shall hear from me in a day or two."

As yet Mr Erskine was unprovided with either an office under the new Administration or a seat in Parliament. He had hoped there might be a vacancy in Linlithgowshire, but it does not appear that there was at this time.

On the 5th of March 1806 both Lord Lauderdale and Lord Spencer (Home Secretary) wrote to Mr Erskine to inform him that his appointment of Lord Advocate would "go down" next day. Lord Spencer likewise expresses the satisfaction with which he has heard from Mr Fox of the intention of Mr Erskine to come soon to London.

The promise of Lord Lauderdale to communicate regarding a seat in Parliament for the new Lord Advocate, seems to have been amply fulfilled. The question how he was able to provide thus opportunely for his friend brings up one of the most remarkable of the many oddities of Parliamentary representation which obtained before the Reform Bill.

At this time, for representation, all the chief towns in Scotland were divided into groups of royal burghs, or districts, fourteen in number. These, with Edinburgh, where the election was managed in a different way, embraced fifteen of

the forty-five commoners by whom Scotland was represented in Parliament.

Only by a stretch of imagination could it be said that in all cases these elected representatives were the choice of the people. The matter was managed in this way. The right of election of representatives of the burghs in Parliament rested with the magistrates and town councils. How these men were elected was defined in what was called the "set of the burgh;" and the mode varied much in different towns. By writ from the sheriff these municipal bodies chose a delegate, or commissioner, to vote in their name at the presiding burgh of the group, the town and delegate who should preside being named in rotation. A majority of votes carried the election; in case of a tie, the presiding delegate had a casting vote.

Everything was done to preserve this procedure as regular and pure as possible. If there were any efficacy in the taking of oaths and threats of fines, then these elections must have been pure indeed. At the election of delegates, the magistrates and councillors were ordered to take oaths to the Government, and oaths against bribery and corruption. When the delegates met, similar oaths were administered to the clerk of the meeting. Then more oaths of the same sort were taken by the delegates themselves before proceeding to the business in hand; penalties of £100 or £500 the while, hanging over their heads at every step.

But with all these precautions the result was in some cases very curious. The group of royal burghs with which Lord Lauderdale was connected consisted of Dunbar, Lauder, North Berwick, Haddington, and Jedburgh. But by a very ingenious device the representation of this district was for many ages kept in the hands of two families. At North Berwick the Dalrymple family was paramount, while at Lauder and Dunbar the Maitlands were all-powerful. So by a happy arrangement

between these families, by their combined votes in three of the burghs, a Lauderdale nominee sat during *two* Parliaments, and a Dalrymple representative for *one*.

The effect of this scheme upon Haddington and Jedburgh, towns of considerable importance, is obvious. Their delegates were of no account in this harmonious arrangement; they were for ever in a minority of two to three. Even when a delegate from one of these burghs presided, his casting vote was of no avail to form a majority. Thus for generations—how many it is impossible to say—Haddington and Jedburgh were practically without the franchise. Such is the tradition that still exists in these places.

It would appear, then, that when Lord Lauderdale promised Mr Erskine a seat, the election for the district in question was with the Maitland family, the Dalrymple "member" having resigned, and there was consequently no further trouble to anybody concerned. Mr Erskine, without, apparently, having seen one of the five burghs he was to represent, went to London to attend to his duties as Lord Advocate: certain letters which followed him there in due course on the formal completion of the election, illustrate very forcibly the procedure usual in such a case. It is clear that there was in arrangements of this kind little, if any, scope for bribery. But some of the burgesses, notably those of North Berwick, seem to have considered themselves to be in very much the position of the Scotch dame, who, when her one solitary suitor "proposed," all too soon for any play of sentiment, addressed the too matter-of-fact swain, "Atweel, I'll hae ye—but I maun hae my dues o' courting." Though there could be no dalliance in the way of corruption, they were determined to have their dues for all that—all the more, perhaps, as the new member was not a Dalrymple nominee. On the day of the election his agent, Mr Inglis, wrote to announce the accomplished event, and to state what was required, by custom, of the new M.P.:—

"EDINBR., 18*th April* 1806.

"MY DEAR LORD,—I have only one moment's leisure to congratulate your Lordship on your election, which took place at North Berwick yesterday; but there being no post for London, the return could only be made this day by the Sheriff.

"It seems it has been the constant practice for the sitting member to send an English newspaper to each borough in the district, with the exception of *Lauder*, to which Mr B—— informed me that it had been in use to send the *Courant*. This is an expense I could not have dreamed of, but so much is it understood, that James Dalrymple desired that, instead of the *Courier*, the *Globe* should be sent to *North Berwick*. The delegates for *Haddington*, *Dunbar*, and *Jedburgh*, made choice of the *Star*.

"As Sir Hugh [Dalrymple] will instantly countermand these papers, it will be necessary for your Lordship to have an immediate communication with Lord Lauderdale upon this subject; and might I beg the favour of a single line in course, with your Lordship's instructions with regard to the *Courant* for Lauder. WILLIAM INGLIS."

It will be seen from the following curious letter sent from North Berwick, that, before Mr Erskine could have tasted of the sweets of Parliamentary life, he had experience of what has not inaptly been termed the "nauseating constituent." The letter displays a *naïveté* as refreshing as the breezes of the salubrious burgh itself. This is how it runs—in a handwriting of schoolmasterly beauty:—

"NORTH BERWICK.

"Two of the burgess's of North Berwick beg leave to present their most respectfull compliments to their representative in Parliament, the Lord Advocate. Conceiving ourselves not

the least of his Lordship's constituents, we request to offer him a few remarks for his consideration. In the present state of things, there are only two ways in our opinion that his Lordship can distinguish himself in the present Parliament. The first that occurs is, that his Lordship should seize the chief or entire management of all Scots affairs, in the same way that Dundass formerly did, whereby he would become popular in the country, when he could turn out Dundass party, and put in their places his own friends and well-wishers. His Lordship has a large scale to go on. He has the church, excise, custom-house, post-office, and many other lucrative situations in his power of gift, that we are unacquainted with, and therefore shall not specify them. The second is, that he should make some eminent display of his great and unrivalled abilities in Parliament; and how far the present trial of Lord Melville would be a proper opportunity for such a display as we allude to, is submitted to his Lordship's better judgment. But notwithstanding of our high opinion of your Lordship, we are at same time sorry to find you so extremely backward in even answering letters, or yet of recommending friends, tho' solicited thereto in the most supplicant manner, by connections of your very best constituents. This conduct alarms us, because a nobleman in power should lend a kind and friendly ear to the petition and complaint of every deserving object, who states his services to his country, never so delicately, without the ostentation of boasting of his connections, except producing his certificates of service. We wish your Lordship would remedy this evil by looking over your applications, and doing the needful therewith, as the one we refer to was handed to you a few days before you left Edinburgh, *at least weeks*. As we know not your address in London, we have sent this to Edin^{r} by our carrier to your house, in order to be forwarded to your Lordship by one of your clerks. Wishing you every possible success, &c. &c.

"THURSDAY, 1*st May* 1806."

Mr Erskine did not long enjoy his seat for these burghs, as the Parliament was dissolved on the 24th October of the same year.

"In the spring of 1806," writes the young Henry Erskine, "my father brought his wife with him to London, and myself by way of Secretary. Mrs Erskine was presented to Queen Charlotte by the Duchess of Gordon, the intimate friend of our house. At the *levée*, the good old King spoke graciously to my father, and ended with,—"Not so rich as Tom, eh?—not so rich as Tom?"

"Your Majesty," replied my father, "will please to remember my brother is playing at the guinea table, and I at the shilling one."

Probably from some such cause as has been suggested in the preface to this book, Lord Campbell has hazarded the extraordinary statement that Mr Erskine "never opened his mouth in the House of Commons, so that the oft-debated question how he was qualified to succeed there remained unsolved."[1] This is obviously very erroneous. He was Lord Advocate for Scotland; and it is not optional for a Lord Advocate to be silent in the House of Commons, if he has a seat in that Assembly, which it has always been considered essential that he should have. A reference to the Records of Parliamentary Debates shows that while he took no conspicuous part in the general business of the House, he took a lively interest in all Scotch matters brought under consideration, or English measures that might have a bearing on Scotch affairs.

In May 1806, for example, on the "Repeal of Additional Forces Bill" being brought forward, he, as was his duty, rose to explain the operation of the Act in Scotland, which he did in the style peculiar to himself. "The statute," he said, "was nothing more than a tax of £20 upon parishes, for scarcely a man could be raised by it. . . . Nothing could be done to

[1] *Lives of the Chancellors*, ix. 104, 4th edition.

facilitate the raising of men. Who were the parish officers? The schoolmaster and sexton; but the sexton's efforts to *raise*[1] men were found unavailing."

The administration of the army was one of the first questions taken up by the new Government. The discussion of the "Mutiny Bill," in which Mr Erskine took a considerable share, occupied public attention fully as much as the question of short or long service does at the present time. Indeed it was in principle the same question, and many of the arguments used were similar to those we hear now. The object of the bill, or that part of it which was new, was to substitute an engagement for a limited number of years (7, 14, or 21), in place of service for such length of time as his Majesty might think proper to name.

The advantages of this scheme were numerous, obvious, and strong. The objections were that it involved a violent infraction on the prerogative of the Crown: it was impossible, it was said, to place the army in a better state than it then was: no advantage could arise from blending the characters of the soldier and the citizen.

In his speech in support of this measure, Mr Erskine touches upon a point which in subsequent times was found to be one of the most powerful agents employed in the modern Articles of War—namely, the force of public opinion at home, when brought to bear upon a soldier's conduct while serving. Few soldiers of the class referred to by the speaker can be indifferent to their gallant deeds, or *misdeeds*, being recorded on the church doors of their parishes, to be read and criticised by the neighbours on a Sunday. There was provision for this in the Mutiny Act not many years ago;[2] and the present Army Discipline Act would be stronger were it restored.

[1] In the report of this speech, as given in Cobbett's *Parliamentary Debates*, this word is not emphasised, but there can be little doubt that it was so when Mr Erskine spoke it.

[2] Compare *Mutiny Act*, Art. 24, sec. 74, 1859-60.

Mr Erskine is reported to have said, after some pleasant remarks in reply to General Tarleton, who had unfortunately spoken of him as the "*Judge* Advocate,"—"Limited service was the most successful way of procuring men; and to suppose they could not judge of the advantage of limited service because they had not sustained the character, was as absurd as to imagine that a young woman could not tell the inducements that one of her sex might have in taking a husband, because she herself had not entered into the marriage state. In the country with which he was best acquainted, the men were not to be obtained by hanging a purse upon a halberd; they took a rational view of their situation and so formed their determination.

"He would not say to his young fellow-countrymen, 'Enter the wide world and forget the soil of your birth. . . . But he would exclaim, 'Young men, the love of your country clings about your hearts; filial duty, honour, affection, are dear to you as existence; you revere the paternal attachment, and will surrender none of the sacred obligations of domestic life. I know you will despise all danger in the defence of these fond objects of your solicitude: advance, then, with me to the field of virtue and glory, and if you survive the conflict you shall return to the arms of your relatives, to the bosom of your country, covered with those laurels which shall command the respect and the gratitude of your compatriots.' With such inducements and such hopes, thousands would flock to the standard of their Sovereign; nor would they cast one 'longing lingering look' towards their native homes until the war was terminated; for they would know that if they presumed to relinquish the scene of their duty, they would return to parents and relatives who would consider their appearance among them derogatory to Scottish valour. When gentlemen talked of the future and remote disadvantages of the plan, they reminded him of a dispute regarding a canal between Edinburgh and Glasgow for the supply of coals. In one

direction it passed through a vale without the smallest interruption on a perfect level, and the tract through which it was to pass contained a supply of coals for *three centuries;* in another it was to be obstructed by sixty-seven locks, and to be elevated 750 feet above the surface of the sea, but the supply of coals was sufficient for *five* centuries! It was a disgrace to the good sense of the country that, like this bill, the former channel had numerous opponents.

"The temper of the hardy Caledonian, to whose bravery the nation had been so often indebted, was little known. . . . His wants are few, but without freedom nothing can satisfy his desires. Donald the peasant had but three wishes to express: the first was, 'To fill my barn with snuff!' the second, 'Fill my pond with whiskey!' for the third, his invention, uninstructed by luxury, was deficient, and he exclaimed, 'Fill my barn again with snuff!'"[1] The bill was passed, notwithstanding the strenuous opposition of Lord Castlereagh and Mr Canning, and proved of the utmost value during the progress of the war in Spain.[2]

Mr Erskine's remarks on the question of the "Training Bill," July 6, 1806, are chiefly noticeable for the personal turn he gave to his argument, being moved by a strong sense of the injustice which he had suffered in his own country. He rose to reply to his "noble relation" Lord Binning, and in doing so made allusion to the objection which had been shown to the application of the Militia Bill to Scotland. "As to the opposition," he said, "to the Militia law, . . which had been asserted to proceed from disaffection, he was not disposed to come in to that opinion. He was aware that *disaffection* was often stated to prevail very generally in Scotland, and that he himself had been described as one of the "disaffected." But if he was disaffected then, he was so still. For he held no principle at that time which now, in the King's service, did not remain perfectly unchanged, and they should ever continue

[1] *Parl. Deb.*, vii. 539. [2] Conf. Alison's *Hist. of Europe*, x. 181.

to be so. . . . He would pledge himself to prepare in forty-eight hours a bill that would be perfectly applicable to Scotland—and not injurious to the Volunteers, whom he highly eulogized."[1]

Again a theory dear to all Scotch lawyers, crops out in his argument on the "Freehold Estates Bill"—namely, the superior and more scientific scope of old Roman law, and Scotch jurisprudence founded upon it, to anything of the kind in England. Mr Erskine observed that "it was a peculiarity in English law which was unknown to the ancient Greeks and Romans, or any modern state in Europe, that the death of a man should put an end to all the moral obligations which he owed the world. He was himself in the proper sense of the word a strong aristocrat: but he did not think it right to support the aristocracy by such means as the law now sanctioned. In Scotland, and in Germany, a most high and honourable sentiment of the antiquity and greatness of families prevailed; but still they did not allow a man to roll in the wealth which had been left by his ancestor, whilst at the same time he would stare the creditor of that man in the face, and say he would not pay him."[2]

The most curious of Mr Erskine's Parliamentary experiences was, that it should be his fate to find himself standing in the House of Commons in opposition to delegates from the General Assembly of the Church of Scotland, deputed to withstand the introduction of a measure of the Lord Advocate's own contrivance, that Lord Advocate being the same Harry Erskine who was wont to be looked upon as the light, and leading spirit in the Church's conclaves. Obviously it must have been a strong sense of public duty which led to such a state of things on his part.

The measure which the Lord Advocate had proposed was the suspension for a limited period—"a very limited" period, Mr Adam phrased it—of the powers granted to the Lords of

[1] *Parl. Deb.*, vol. vii. p. 911. [2] *Ibid.*, vol. ix. p. 162.

Session by an Act of the reign of Queen Anne, "Anent the Plantation of Kirks and Valuation of Teinds," so far as relates to the granting of augmentation of stipends to the clergy. Somehow the process of the augmentation of a minister's stipend has been, at times, considered to have a ludicrous side; if faith may be placed in certain well-known *Lyrics* by a member of the Faculty,—at all events, there was trace of this feeling in the present negotiations.

The urgent reason for this measure is indicated in the speech of Mr W. Dundas on the second reading of the Bill. It appears that on the first "sough" of the intended changes (which were afterwards carried out) in the administration of Scotch law, a great fear fell upon the clergy of the Church of Scotland: they knew not what might happen to that part of the legal machinery of the country with which they were more closely interested—namely, the Court of the Commissioners of Teinds. "Since," said Mr Dundas, "a change had been contemplated in the Courts of Scotland, a race had been run by the clergy of that country for augmentation of their stipends. In the parish with which he was connected, the minister had applied for a new augmentation *within a few months* after having received a very large addition to his former stipend."

The Lord Advocate, in view of the request of the petitioners (the Committee from the General Assembly) to be heard by counsel in opposition to the Bill, said that he strongly "disclaimed any distrust of the Court of Session, or any disrespect to the clergy of Scotland. It was his pride to be descended from a family which the clergy of Scotland, who were eminent for their learning, piety, and morals, had always looked up to as their firmest friends. The object of this Bill was to relieve the Court of Session from a press of business of this nature. *No less than* 149 *suits* for augmentation had commenced since July last [1806]. . . . Taught, as he might say, from his infancy to hold that respectable class of the community in

proper estimation, he did not think he could be supposed capable of deliberately introducing into that House any measure that could in the slightest degree tend to detract from their privileges, or alienate their rights; so far from it, he had it in his intention to submit upon a future day to that House, some measure for rendering them more secure and permanent; . . . . if there was the least ground to suspect that it might be productive of any consequences injurious to the Scotch clergy, he should feel still greater pleasure in withdrawing it." [1]

The measure which Mr Erskine referred to, and which it was his hope would be of great benefit to the poorer clergy, was in due course put in shape by the Lord Advocate. His idea was that a fund should be formed from the sums accruing from unpaid stipends during the periods between the occurrence of vacancies and the settlement of ministers in parishes. It is scarcely necessary to explain that the stipend of a minister is derived from the tithes, or teinds of the old church lands, which fell into secular hands at the Reformation, allotted by law to that purpose; and the stipend can, by order of the Court sitting as Commissioners of Teinds, be increased, until the tithes available for the purpose, in any parish, are "exhausted."

During a vacancy, the patron of the parish was, at the time in question, intrusted with the application of the stipend to "pious uses" within the parish. The scheme of applying such sums to form a fund for the benefit of those of the clergy who most needed an increase to their scanty salaries was ingenious, and probably the only one possible that should take no money out of anybody's pocket; and was accepted by the Church as an indication of the warm interest felt by Mr Erskine in what concerned her interests. Otherwise it was not destined to bear fruit. It was actually said in Parliament by Mr William Dundas that the fund thus produced

[1] *Parl. Deb.*, vol. viii. p. 558-9.

might be *excessive* for the purpose contemplated by the Lord Advocate.[1]

"One of the unfortunate clergymen whose teinds are exhausted," as he describes himself, wrote to Mr Erskine from Fala Manse, fourteen miles south of Edinburgh, on 27th February 1807, that he is one of those "whose condition your present Bill before Parliament promises to ameliorate," and asks to be allowed for himself, as well as for his brethren in a similar situation, "to return you our best and sincerest thanks. That *you alone of all the Crown lawyers* for many years back should take our case under your serious consideration, does equal honour to your head and heart."

This poor gentleman, the Rev. Archibald Singer, whose stipend was £65,[2] points out in the same letter what was no doubt a weak point in the scheme, but not one to render a trial of it undesirable—namely, the slow action of the remedy. "It is more than probable," he writes, "that few of the present incumbents will reap any benefit from your Bill, however benevolent its principle and certain its operation."

To this period of Mr Erskine's official career belongs a story which has often been repeated, illustrative of a quaint mode of pronunciation of certain terms peculiar to the Scotch Law Courts. Besides many a barbarous-sounding phrase, and others half French and more harmonious, which may still be heard in the course of legal proceedings, words admirably adapted to the requirements of the modern ballad-writer, there are others less pleasant to the unprofessional ear, such as *cūrator; recōrd*, meaning the documents in a case,—and so on.

On one occasion, it is related, Harry Erskine was addressing a committee of the House of Lords regarding some trust

[1] *Parl. Deb.*, vol. viii. p. 838-9.

[2] Somewhat later a meeting was held in Edinburgh of ministers whose "teinds"—and powers of endurance—"were exhausted," many of whom had stipends of "little more than £30 a-year."—*Scots Magazine*, May 1808.

business. In the course of his speech he had frequently occasion to mention the "cūrators," always pronouncing the word in the manner approved in the Scottish Courts—that is, with the accent on the first syllable. One of the English judges—Mr Erskine's son understood that it was Lord Mansfield who was so fastidious—could stand this no longer, and exclaimed—

"Mr Erskine, we are in the habit in this country of saying *curātor*, following the analogy of the Latin, in which, as you are aware, the penultimate syllable is long."

"I thank your Lordship very much," was Erskine's reply; "we are weak enough in Scotland to think that in pronouncing the word *cūrător*, we follow the analogy of the *English* language; but I need scarcely say that I bow with pleasure to the opinion of so learned a *senātor*, and so great an *orātor*, as your Lordship."

Lord Mansfield being himself an emigrant from Scotland, was doubtless not unwilling to show his own superior attainments in the direction of civilisation, forgetful how ticklish a question is that of the quantities of classical words in English.[1]

[1] After all, the use of the false quantity would appear to be more local than this story would lead one to believe. While the term "cūrător" is used constantly in the Parliament House above, the gentlemen charged with the care of the Advocates' Library below, are called "curātors"—as I am informed.

CHAPTER XVII.

LORD ADVOCATE'S CORRESPONDENCE—LORD MOIRA—THREIPLAND OF FINGASK—LORD MAURICE DRUMMOND—*DE JURE* EARL OF MAR—THOMAS CHALMERS—MRS ANNE BOSCAWEN—PENSIONS—BELL ROCK LIGHTHOUSE—ELECTION SCHEMES—LORD POLKEMMET IN TROUBLE—CHANGES IN THE LAW COURTS—"ENDLESS WILLIE"—MR COMMISSARY BALFOUR—THE TYTLERS' SYMPATHY—CASE OF THE REV. DONALD M'ARTHUR—"INDEPENDENCE OF THE SCOTTISH BAR."

THE office of Lord Advocate,—of old "his Hieness' Advocate for his Hieness' interest,"—to which Mr Erskine had been appointed, though one of the highest dignity and responsibility in Scotland, is yet one not without many and serious drawbacks, in the opinion of some who have held it. The care of political business in more recent times has formed the most difficult part of a Lord Advocate's duties, requiring in him a knowledge of statecraft rarely to be found in a Scotch lawyer, whose energies have been devoted to the labour inseparable from an extensive practice at the Bar. The emoluments from the office will seldom, it is believed, compensate for the loss of such a practice, while the patronage attached to the dignity must be but a sorry recompense for all the vexation connected with an office of this kind, seeing that a man cannot by patronage benefit himself, and must take *gratitude* in return for value given, a commodity hardly more tangible than the questionable right said to have been secured for Lord Advocates by Sir Thomas Hope, Henry Erskine's ancestor, of

wearing a hat while pleading in Court. Only the hope of professional advancement could carry a man through the thankless labour, which Lord Cockburn has described as inseparable from this office [1]—a hope which never was realised in Mr Erskine's experience.

Mr Erskine's correspondence at this time, which is extensive, consists mainly of letters addressed to him by those who had something to ask, or some interest to be advanced by means of his good offices: few of these are of importance now; one or two, however, may serve to illustrate the varied nature of the duties which fall to the lot of a Lord Advocate.

Lord Moira to Mr Erskine.

"St James's Place, *June* 3*d*, 1806.

"My dear Lord,—I understand that the committee is now sitting to determine the application of the surplus monies from the forfeited estates in Scotland. There is one object which my late command in that country gave me occasion to examine into; and I thence entreat you to call the attention of the committee to it, as a matter important to the defence of the country, as well as to public convenience in another respect. The landing on either side of Queen's Ferry is at times very difficult, and even dangerous, from rough weather. I know that the passengers by the mail-coach are often embarrassingly detained there. But the case might be more materially distressing if it happened to apply to the transportation of troops in a moment of alarm. The trustees of the turnpike roads are absolutely devoid of funds adequate to the necessary remedy. Piers, under the lee of which embarkation and debarkation can at all times be securely effected, are

[1] It is to be hoped that the experiment now being tried of a partial separation of the political duties of the post from those more strictly professional,—such as was talked of by the Minister in Lord Jeffrey's time,—may bring more comfort to the Lord Advocate than was enjoyed by certain of his predecessors.

obviously required. But the supply for executing so useful a work can only be had from a public fund. I therefore solicit you to submit this suggestion to the committee; and I have the honour, my dear Lord, to remain with the highest esteem, your Lordship's faithful servant, . MOIRA."

The reader will doubtless be reminded by Lord Moira's complaint of the experience of Monkbarns and young Lovel at the Ferry.

There is nothing more striking in the correspondence of this period than the manner in which "pensions" were asked for, and, apparently, obtained. An application of this kind is alluded to by Sir Thomas Dundas as having been made on behalf of Lord Traquair, without, it seems, any ground being mentioned for such a concession (page 249). These grants, and the excessive charges on the Civil List, afterwards formed the subject of complaint by reformers. A curious volume entitled *Le Livre Rouge*, dealing with these charges against the revenue, and sinecure offices, appeared early in this century; from it,[1] it would appear that the application conveyed to Mr Erskine in the letter on behalf of a suffering Jacobite family, which follows, was speedily complied with.

Lord Maurice Drummond to the Lord Advocate.

"MY LORD,—La famille de Drummond De Melfort pour laquelle vous avez promis de daigner vous interesser auprès du gouvernement pour leur avoir des secours, que de profonds malheurs leurs rendent si necessaires; vous suplie de peusse que Madame la Duchesse de Melfort dans un âge très

[1] Besides five of the Drummond family, whose names appear on the Scotch Civil List at this time (July 1806), we find those of "James Francis Erskine" (Earl of Mar), "Isabella, Countess of Glencairn (1801)," "Marie Claudine Silphie, Duchess Fitzjames,"—and lastly, "James Lapslie," the pugnacious minister of Campsie, a character well known in Scottish anecdote.

avancé, son second fils Maurice Drummond, son epouse, et deux enfants, sont a attendre l'exécution de cette promesse, dans une situation qui mérite votre interêt.—J'ai l'honneur d'être avec un respectueux attachement, my lord, votre très humble et très obeissant serviteur.

"L. MAURICE DRUMMOND.

"Delancy place, No. 7, Camden town.

"Ce 18. Julliet 1806."

Threipland of Fingask to Mr Erskine.

"FINGASK, BY ERROL, *August* 3*d*, 1806.

"MY DEAR FRIEND,—While you was in London, I took the liberty of writing you for your interest at Court for the restoration of the dignity of *Baronet* to my family, which my grandfather thought it his duty to forfeit in the year 1716. Having not heard from you, ten to one, the *pedigree tree*, which I sent, may have escaped per mail-coach. I am sure it would not have escaped your attention. *Seriously*, was it in your power? or did you think it worth your while to do anything in the business?

"To have again a *laugh* (vide *Lives of Illustrious Seamen*, p. 81), Captain *John* Campbell was with *Lord Anson* in his coach, to carry the news of a victory to the King. Anson said, 'Capt. Campbell,—and the King will knight you if you please.'

"'Troth, my Lord,' said the Captain, 'I ken nae use that would be to me.'

"'But your *Lady* may like it,' replied his Lordship.

"'Weel, than' (rejoined the Captain) 'his Majesty may knight her if he pleases!'

"To be again *serious*—I would like to have a *restoration* of the honor, as well as my *cara*, and shall thank you for your assistance.—I have the honor to be, with sincere esteem, yours, P. MURRAY THREIPLAND."[1]

[1] It was not until 1826 that Sir Patrick Murray Threipland recovered the honours of his family, after having petitioned George IV. when he visited Scotland in 1822.

In the next letter there is indication of the failing health, which from this time forward told heavily against Mr Erskine's work, hitherto carried on with so much activity and zeal. In succeeding years frequent visits to Harrogate and Buxton became necessary; from these places much of his correspondence was dated.

Lord Buchan to Mr Erskine.

"MY DEAR BROTHER,—I intreat of you to avoid to-day much exertion in speaking after dinner. Remember that even in reading aloud a few evenings ago, from Cobbett's paper, you found inconvenience. Do not prolong your sitting with our friends beyond the bounds of prudence. Come rather soon away, and look in here, where you will find Lord Armadale, and other converted infidels.—Yours affectionately.

"BUCHAN.

"S. Castle Street, ½ past 4."

On the 16th August, Lord Leven and Melville reminds his friend and cousin, the Lord Advocate, of "his pretension to attempt the representation of our peerage," and states that he has also written to his "*cousin*, the Ld. High Chancellor," on the subject.

While there was much sympathy between Lord Kellie and the Erskines on political and family matters, as shown by their correspondence, it is pleasing to see that there was no less of good feeling shown by the head of the house of Erskine, John Francis, *de jure* Earl of Mar, to whom were afterwards restored, in 1824, the forfeited titles. Thus he writes:—

"CRAMOND HOUSE, *9th of Jany.* 1807.

"MY DEAR SIR,—It gives me great pleasure to hear that Buxton has succeeded to our wishes. Some time ago I mentioned to you a report that his Grace of Argyle had intentions

of parting with his property in Clackmannanshire. You then seemed to think that it might be worth your while to make inquiries about it—which emboldens me to trouble now to assure that Dr Coventry has been there to value the land. I shall get every particular from him about them. It would give us all unexpressible pleasure if you found it convenient for you to purchase it, as it would give us some chance of the clan getting back some of their influence in that quarter, as his Grace has [ ] votes. If these fall into Crawfurd Tait's hands, my son need never expect to make head against his neighbours, and possibly he would have no reason to think that my grandson would; and I see little prospect of our honours being restor'd, which I confess hurts me.

"I beg leave to remind you of my poor niece and her mother; surely [part] if not the whole of the —— pension might be got for them. Oh, do not neglect them, I beseech you. Consider they depend upon my life, and I am going 66, and worn down with numberless afflictions.—I am, with great regard and esteem, my dear sir, your sincere friend and kinsman, J. F. ERSKINE."

On 12th January 1807, Mr Adamson, of St Andrews, writes to recommend one of the candidates for the Chair of Mathematics, in the gift of the Crown—namely, "Mr Thomas Chalmers, minister of Kilmenie, who is," he says, "related to my children. . . . He is an universal genius, and would certainly be a very useful professor here."

May 10th.—"Mrs Anne Boscawen[1] presumes on the Lord Advocate's great kindness to trouble him with *her distress.* The *fatal Bill* to extend Marlborough buildings has been approved by the Committee, owing to there being six enemies

[1] "A lady of courtly and literary fame; she lived long in St James's Palace; she was a patroness of art and talent: the Kemble family and Tickell the poet were especially protected by her. Tickell's daughter, I believe, lived with her." —Note by Henry David, Earl of Buchan.

and but three friends. She has no hopes but in the Lord Advocate's goodness. . . . Sir George Colebrooke also is 'quite in despair.'" The writer concludes with a hope that "the Lord Advocate and Mrs Erskine will stay in London for her *masking party*."

In no measure which it was Mr Erskine's duty to bring forward during his short tenure of office did he find more unalloyed satisfaction than in the Bill for the Bell Rock Lighthouse, which he was so happy as to carry successfully through Parliament. This was not accomplished without considerable opposition, strange as it may seem. An attempt had been made three years before to get an Act passed for this most necessary work, the design and estimates being those prepared by Robert Stevenson in 1800.

As Mr Erskine explained in his speech in the House of Commons, the peculiarity of this Rock is, that it is quite covered at half tide, so that few vessels that touched upon it ever get off. Still selfish opposition to the Bill, such as only an intangible corporation could be guilty of, came from the City of London. Too great a range of coast, they considered, was included in the proposed collection of duties—too great, that is, to be compatible with their interests. In a fearful storm in the month of December, H.M.S. "York," 74, went down with every man on board. The coast, strewed for miles with the fragments of many a gallant ship, told more eloquently than any human voice could do, of the absolute necessity for a light upon the Bell Rock.

One of the most interesting of the letters in Mr Erskine's correspondence is that in which Robert Stevenson writes, at considerable length, to the ex-Lord Advocate, detailing very minutely the progress of the work then drawing near to a triumphant close. Though partly official in style, the letter is eminently suggestive of the mutual satisfaction of two good men in view of the happy conclusion of a work they had

close at heart. The letter is dated "Bell Rock Work Yard, Arbroath, 16th August 1810." The writer "trusts in two or three months the house will be ready for the exhibition of a light." He speaks also, among other causes, of the "fixed determination to overcome all obstacles, which has led to the completion of this work in little more than half the time assigned to it:" the premises whence he dates his letter had been taken on lease for *seven years*, and "the foundation-stone was laid upon Sunday the 10th of July 1808," little more than two years from the expected completion.

Some idea of the powers against which a contest was waged in the execution of the work, may be gathered from a sentence in this letter: "Now, although the elevation of the sea by the influence of the tide seldom exceeds sixteen feet, yet in the month of June last, when the building was seventy feet high, the workmen were actually beat off the walls by the sea-spray. If such, then, were the effects of a summer gale, what must be the appearance of a storm at the Bell Rock in winter?"

Doubtless the fact that the foundation course is upon a level with low water at spring-tides was sufficient reason for the commencement of this noble work of mercy *on a Sunday*, a circumstance which has not apparently been mentioned in the life of Robert Stevenson, but which seems worthy of note. Mr Stevenson's letter closes with earnest expressions of regard, such as—I am informed—the family of the great Engineer remember to have heard expressed by him more than once; and an eloquent testimony to the active interest shown by Henry Erskine in this patriotic scheme, although, seeing he was now no longer in office, or in Parliament, there was no apparent reason why such a report should have been made to him at all, further than the dictates of his fellow-worker's good feeling. "I feel myself," he writes, "particularly called upon to address you, from the labour you bestowed in moving the Bill for the work, and carrying it successfully through Parliament. Allow

me further to add, that while I live, I shall always remember with gratitude that condescension of manner which makes all around you feel at ease, and which I experienced while I had the honour of attending you during the progress of the Bill."

There seems to have been considerable anxiety as to Mr Erskine's securing a seat in the new Parliament. Mr Adam had, with this object, evolved a very complicated scheme, necessitating a round of changes in Scotland and England, which he disclosed to Lord Grenville in a letter dated Darlington, 22d October 1806—that is, within three weeks of the assembly of Parliament. Three days after, however, on coming to Edinburgh, he found reason to alter his plans completely. He wrote to Mr Erskine telling him "there is nothing Lord Grenville is so anxious about as your being in Parliament at its meeting, both for general reasons and for the particular reason of the judicial system;" and that there was almost a certainty, by the help of Lord Selkirk,[1] David Cathcart, and Gilbert Laing, of his being returned for the Dumfries Burghs.

"I think there is," he adds, "no chance of failing, and there is none whatever of expense."

Rather than represent a district with which he had no connection, or one in which he could take but little interest, Mr Erskine would have much preferred the attainment of his cherished desire of representing his own county in Parliament; but on every occasion the influence of the Hope family was found to be paramount. On the present occasion an attempt was made, the result of which is communicated in the following characteristic letter:—

[1] Lord Selkirk had already on the 12th September written to Mr Erskine, pressing upon him the necessity of having a candidate in the Government interest named for these Burghs, seeing that General Dirom, who was connected with the Dalkeith family, might disappoint them by carrying his independence too far.

Sir Alexander Seton to the Lord Advocate.

"PRESTON, *Nov*r. 10, 1806.

. . . The campaign of the 10th fell far short of my wishes. I have the satisfaction to think that, considering circumstances, we did as much as coud be expected, and that the 12 Apostles, as Sir W^m. [Cunningham] calld us, made a respectable appearance.

"I had the honour of proposing you as candidate for the county, in opposition to Genl. Hope, named by Mr Marjoribanks, and was seconded by Mr Hamilton, the only one who lost temper on the occasion, in a violent attack on Horne; but there was no preventing the ebullition, otherwise the meeting passd very quietly; and Robt. Dundas, as Preses, behav'd much like a gentleman.

"Your particular friends, and I believe the whole meeting regreted the cause of your absence. We hope to hear good accounts of you soon, and *en attendant* are happy to learn that your canvass in the west will be attended with success; and in generall thro' Scotland, that the Whig party will receive a considerable accession. Your friend Maxwell, even in absence, has certainly carried this district, in opposition to Sir Chas. Ross, the Hopes, and Melville. The Doctor[1] carried the delegatship for 'Lithgow in spite of them.

"Your son did the honours of the chair nobly, and had Mar and me on the right and left; Mr Hunter, Sir W^m., and Sir Ja^s., croupiers. The dinner was well servd, *tho' without venison*, till the deer park at Amondale be stock'd. I breakfasted next morning with your son and Mr Inglis, and took occasion to remark that the contest shoud not be considered as ended, but that in your absence we shoud be as assiduous in attention to the county as if a new election was to happen next year, and that his principal application shoud be to those

[1] Probably Dr Andrew Duncan.

who had lately been our enemys, to prevent that anticipation which happened last year. . . . The Doctor and I have nothing personal to trouble you with, but we have a near relation, &c. . . ."

Ultimately, in November 1806, Mr Erskine became member of Parliament for the district of burghs consisting of Dumfries, Kirkcudbright, Annan, Lochmaben, and Sanquhar. No details remain of this election; it was probably as quiet an affair as his former return. From one or two letters of Lord Selkirk's regarding the constituency, it seems probable that he was instrumental in securing the seat for Mr Erskine. This Parliament was dissolved on the 29th April 1807, and, though he offered himself again in Linlithgowshire,[1] he was not again returned.

It was upon this, or some similar occasion of an election contest in Linlithgowshire, in which the Hope and Cunynghame families were opposed, that the extraordinary character, William Baillie, Lord Polkemmet, distinguished himself, as he usually did, by his eccentricity and uncouth dialect. The Hopes, of course, were victorious, and the friends on both sides, somewhat unwisely, proposed that the late competitors should dine together. At a late and hazardous stage of the entertainment, Lord Hopetoun, who acted as croupier, did his best to rise and propose as a toast, "Up with the Hopes, and down with the Cunynghames." Whereon Sir William Cunynghame of Livingstone got up in a high passion, and was proceeding towards Lord Hopetoun to enforce his views regarding the toast, when Baillie stopped him by interposing his gaunt person, and addressing Sir William in the interests of peace, in slow and pompous manner, gesticulating with his long broad hands. The angry baronet, furious at the impediment, pushed

[1] At the general election in May 1807, the votes in Linlithgowshire were,—"for the Honble. Alex. Hope, 28; for the Honble. Henry Erskine, 15."—See *Scots Magazine*.

Polkemmet aside, giving him at the same moment a blow on the side of the head, on which the latter, in just indignation, called out to the croupier,

"My lord, my lord, he's gi'en me a gowf on the lug!"

The piteous accents and gestures of the complainant had the happy effect of raising a burst of laughter, which banished discord for the time. They "burnt powder" the next day, however, but without any serious results.

When Baillie was made Lord Polkemmet, he thought it necessary, it seems, for some reason, to alter his signature, from some such feeling, it has been suggested, as that which caused the *Oliver* to increase perceptibly, while the *Cromwell* as sensibly diminished in the case of the Lord Protector's signature.[1] It was one of Henry Erskine's stories that Polkemmet was heard explaining the matter to his clerk.

"You see, James, I maun sign ma name *noo* in anither maner. *Noo* it maun be wee *double ou*,—wee *ee*,—tick, tick,—muckle Baillie—*wi: Baillie.*"

The most noteworthy incident in the history of the Scotch Law Courts which has occurred since the sixteenth century, was initiated and partly brought about during the tenure of office of Lord Advocate by Mr Erskine, though he did not live to see judicial improvement carried out to the full extent of his scheme. The subject is obviously of a nature far too technical to be discussed in a sketch such as this is; but as the matter was one which occupied Mr Erskine's energies for a period far beyond his brief term of office, it cannot be passed over without notice. The evils which led to the Bill for the better regulating the Courts of Civil Justice in Scotland, and for establishing Trial by Jury in certain civil cases, were not

[1] "It is Noll's signature, sure enough," said Desborough, dropping his under jaw; "only every time of late he has made the *Oliver* as large as a giant, while the *Cromwell* creeps after like a dwarf, as if the surname were like to disappear one of these days altogether."—*Woodstock*, chap. xvi.

now for the first time complained of; indeed, with regard to the latter point, it seems to have been always held to be a matter for regret that the ancient custom in Scotland of submitting all kinds of business, civil as well as criminal, to an "inquisition,"—that is, to an inquiry by a selected jury—had been allowed to fall into disuse. It was, indeed, a point in the creed of the fifteen judges that they themselves were the *jury* whose inquisitions had been considered the orthodox means of discovering the truth.

At the period in question "the Fifteen" sat together in one chamber, and gave decisions on all matters, whether of law or fact; in the latter case, not always *certainly* with advantage to their fellow-countrymen, or to justice.

Briefly stated, what were considered the faults in the old system at this time were—the uncertainty of the law, from the arbitrary nature of the Court's decisions; the frequency of appeals, often upon matters of fact; besides all the other inconveniences which were generated by delay, uncertainty, and interminable written pleadings; but, above all, the circumstance that law and fact were taken together as elements in a decision of the Court offered ready temptations to appeal, there being a general belief that the judges might easily fall into error resulting from a loose combination of fact with law.

The measure to effect the necessary changes was of such consequence, that it was thought desirable that it should be brought forward by the Prime Minister himself in the House of Lords—the substance of his representations being the facts furnished by the responsible authority, the Lord Advocate. This Lord Grenville did in a remarkable speech, which may be found reported at great length in the *Parliamentary Debates.*

Mr Erskine, besides furnishing, as was his duty, the data for Lord Grenville's Bill, expressed his views on this important subject in a pamphlet,[1] the only prose publication,

[1] *Expediency of Reform in the Court of Session in Scotland:* London, 1807. The pamphlet is anonymous; and the authority—a good one—for believing it

so far as is known, of Mr Erskine's. It consists chiefly of the reprint of two tracts, of date 1785 and 1789 respectively, ascribed to men of profound legal knowledge, with an introduction, conveying his own ideas regarding the reforms required.

The proposals, as at first embodied by Lord Grenville in his speech, were, that there should be three chambers instead of one. A Court of Revision was also spoken of. By these means, and especially by a smaller number of judges sitting together, it was sought to attain increased responsibility; greater care, the wholesome effect of rivalship in jurisdiction; and greater attention to the preliminary stages of the causes.

Enough has been, perhaps, said of the technicalities. The operation of the old system was so curious that it has been asserted that no one without some knowledge of the tangled methods, the loose habits, and vague proceedings of the old Court of Session can comprehend the drift of certain Scotch stories, where there is often a large admixture of law. It is even said, that no one out of the profession, or without some considerable acquaintance with the state of things obtaining in the old Law Courts, can fully appreciate the peculiar humour of *Redgauntlet*.

There were still in the public mind divers regrets felt when it became evident that Mr Erskine's counsels were about to take effect. "The Fifteen" in conclave assembled had become, for many, the incarnation of human wisdom; any change that threatened this venerable institution was considered to mean the introduction of English ideas and domination; the old story of the favouritism of single judges as compared with the necessary impartiality of *fifteen* was raised again. On the other hand, curious charges were advanced by some as soon as it was found that the old system had acquired for itself a bad name.

to be Mr Erskine's is Watt's *Bibliotheca Britannica*, where it is given under his name.

Thus Lord Spencer, on the 19th August 1806, writes from Dropmore to the Lord Advocate, forwarding for inquiry an anonymous paper he had received. The writer says, clumsily, "It often happens that the Sheriff-Substitute, who very often does the whole business, is frequently a factor or manager for one or more landholders within his district, or practices as a notary or conveyancer, and so has often an opportunity to judge in cases where his constituent or employer is concerned. This I know in many counties to be the case: it is expressly against the Act abolishing Heritable Jurisdictions in Scotland —and like many of ye evils in our system, has just gained ground by being winked at by the principal Sheriffs. The parties, however, to lawsuits complain loudly of it. No wonder: were the Substitute ever so just, the very notion of his deciding on a contract, perhaps made by himself as a *private agent of one* of the parties, must bring the law into suspicion," &c.

The efforts which the Lord Advocate had initiated for the improvement in the administration of justice were most appreciated by those who had suffered most. From Greenlaw House, by Dumfries, "20 July 1806," Sir Alexander Gordon writes to Mr Erskine, giving details of his own case, which tell a tale of a life wellnigh wasted in a struggle at the law against a powerful antagonist. "It is with most sincere satisfaction, that I have seen the very necessary reform of the practice of the law of Scotland, brought forward by Lord Grenville; and I trust, that by the united abilities of your brother and you, our forms will be restored to the state of excellence in which they formerly were, before civil dissension caused them be to altered from the similitude they bore to the forms of England, and accommodated to the present time. . . . Although my case was ended by a compromise, it is a very strong instance of the improper forms and practice of the law of Scotland; whether it be said that an obstinate man with few friends and no money was enabled by quirks and

subterfuges to defend himself against the incessant and vigourous pursuit of so great power and opulence, as I had to contend with for *twenty-eight years;* or whether it was in the power of such pursuers to persecute an innocent man with unjust litigation for so long a time, without its being in his power to get free from such persecution. In either view it must have been ended in a tenth of the time in England."

On the fall of the Ministry of "All the Talents," little beyond the preliminaries to the change had been accomplished. Consequently another bill was brought forward by the Lord Chancellor Eldon, which professed to be an improvement upon Lord Grenville's and Mr Erskine's measure. It differed from theirs in many points, which need not be discussed here.

Naturally Mr Erskine preferred his own scheme of law reform; and when his successor in the office of Lord Advocate, Mr Archibald Colquhoun, took up the new plan, and a meeting of the Faculty was called at which it was understood approval of the new system was to be expressed, Mr Erskine and many of his friends resented this and absented themselves. A somewhat sharp correspondence ensued between him and the new Lord Advocate on this subject, which is not interesting, and is to be found in the 70th volume of the *Scots Magazine.*

Though "the Fifteen" sat together for the last time in July 1808, it was many years before the changes recommended in the bills came fully into operation. A commission of thirteen members, chosen from among the best men of all grades in the legal profession, headed by Lord Melville, and including Mr Erskine, Mr Walter Scott being secretary, was appointed, in communication with an English Committee, to settle various details—amongst others, in what cases jury trial could be adopted with advantage.

Two points in the new scheme of proceedings were pecu-

liarly distasteful to certain members of the profession. One of these was the startling innovation of the judge, "adjusting the record by settling the points upon which both parties were agreed, and fixing once for all the course to be pursued in the ensuing trial." Some of the old hands, including certain of the Committee of Advocates deputed to report on the proposed changes, were in ecstasies of merriment at the idea of the Lord Ordinary being employed "*to win over* parties to make such admissions as might save the expense of a jury trial."

Again, the fact that there was in this rigidity of arrangement before the commencement of trial no provision for the mending and patching up of a cause, as it worked its way through the Court, was especially repugnant to another class of practitioners,—namely, certain agents who were typified by a worthy called "Endless Willie," whose occupation would be as good as gone if this newfangled idea took root at the Parliament House. He is described as a "man of extreme ingenuity, whose custom was to pay little or no attention to his causes till they came to the last reclaiming petition in the Inner House. He then began seriously to exert himself, and was always able to devise some new plea or statement which the Court was compelled to remit to the Lord Ordinary, and so the litigation set off on a new career."[1]

It may easily be imagined what the result would have been in the case of a litigant of the stamp of Peter Peebles, with such an ingenious practitioner for his agent.[2]

[1] Mr Erskine did not live to see the new system established in the confidence of the nation. Indeed, so recently as 1825, such misapprehension and prejudice prevailed on this subject, that a comprehensive volume, entitled *Examination of the Objections stated against the Bill for better regulating the Forms of Process of the Courts of Law in Scotland*, was published by Professor George Joseph Bell: Edin., 1825—p. 94. This and Mr Erskine's pamphlet are the authorities for what has been stated on this subject.

[2] Lord Campbell (*Chancellors*, ix. 373) has an interesting passage, in which he gives it as his own opinion, that "This mode of trial works admirably well in England where, from long usage, the procedure is so well understood, and it

The changes in the constitution of the Courts, it is believed, put an end to much that was curious and characteristic in Parliament House manners and doings. Only under the old *régime* could such an incident have occurred as is related of Henry Erskine and his old friend Mr Commissary Balfour, who, by the way, was a judge in an ancient Consistorial Court, and not an officer of the army, as might be supposed. It chanced that Mr Erskine had to be examined upon some unimportant matter in Mr Balfour's Court: the circumstance had drawn a considerable audience. Observing that the examination was carried on with rather more than the usual magnificence of style for which the judge was celebrated, Mr Erskine yielded to temptation, and somewhat maliciously framed his answers so as to accord with the peculiar grandeur used on the occasion.

It was only when everybody in Court was shaking with laughter that a suspicion of the truth dawned upon the judge; when he, in vain, tried to restore order. With even superadded dignity of utterance he, at last, was driven to pronounce the words:—

"At this shameful point in the proceedings of this Court, it grieves me to have to say that the intimacy of the friend must yield to the severity of the judge. Macer,—forthwith conduct Mr Erskine to the Tolbooth!"

To the increased amusement of the audience, the only notice of this awful mandate that the macer deigned to take was to reply, with ill-concealed disgust,—"*Hoots!* Mr Ba'four!"

accords entirely with the habits of the people as well as the frame of our laws." But he does not think trial by jury in civil cases suitable to the Scotch people, or country. If it has not turned out the success that was anticipated, many sound lawyers at the present day consider, I believe, that the chief fault lay in the change having been delayed *too long*. It would have been a greater boon during the period when corruption was rife in Scottish courts of justice.

The figure of "Justice" in the old Parliament House is said to have been shown *with her eyes open*.—See *November Twelfth*.

On another occasion meeting Mr Balfour, who was walking a little lame, Henry Erskine addressed him:—

"Sorry to see you so lame, Balfour; what has happened?"

The Commissary proceeded to explain, with even more than sesquipedalian diction, that "in his passage, by the usual awkward contrivance, from one field to another of his brother's property, where he had sought a little relaxation, he had the misfortune to sustain a fall," &c.

Whereon Erskine replied, "Well, Balfour, it's a mercy it was not your own *stile*, or you would certainly have broken your neck."

Mr Balfour was very vain of his singing, and it was *apropos* of this circumstance that Henry Erskine wrote his satire *The Old Woman and her Ass*, which has been printed; though without this explanation the piece reads somewhat flat.[1].

The Ministry of the "Talents" was short-lived, and came to an end through the mistaken efforts of Lord Howick to effect a partial emancipation of Roman Catholic officers of the fleet and army, and to allow them an extension of rank. The Bill was a blunder, seeing there was no grievance to be righted; and was merely an "attention" to the feelings of Roman Catholic officers who served legally in Ireland, but were subject to disabilities on being called to England, similarly, as in the case of a Presbyterian officer serving out of Scotland, an Act of Indemnity[2] relieved them of all respon-

[1] It is so printed in the *Glasgow College Album* for 1840, the editor of which states in a note that he had been intrusted, through the kindness of a friend of the poet's, with the loan of a MS. volume of poetical pieces by the Hon. Henry Erskine. The editor might have been more happy in his selection.

[2] See *State of the Case*, Lond., 1807, p. 3. The fall of the "Talents" was the occasion of much poetic sarcasm, in which Lord Erskine was as roughly handled as any of them. Thus they wrote of him—

"Ah, little thought *I* on that day,
When stockingless *I* took my way
From Edinburg' to town,

sibility. But the introduction of this measure gave the King the wished-for opportunity of getting rid of the Ministers he disliked.

One short sentence from a standard work may be quoted in this place. Lord Erskine's brief experience of office is referred to. With the change of not more than a word or two the passage will apply with almost equal force to the case of his brother. "That only one short year of judicial life should have distinguished an advocate who retained for the

> That *I* should ever rise so high,
> And therefore could not think that *I*
> Should come so suddenly down."
>
> —*Groans of the Talents.*

The satirical literature of the period of the "Talents" is very extensive, and in it, on the whole, Lord Erskine is not very unfairly dealt with—always, of course, excepting the coarse vulgarity of the *Satirist.* Besides certain graceful verses of the *Anti-Jacobin,* there appeared *Elijah's Mantle,* attributed to Canning, but which would appear to have been the production of Mr James Sayers, the caricaturist; *The Uti possidetis & Status Quo,* originally published in the *Anti-Jacobin; All the Talents,* with its dedication "to the Emperor of China," by Eaton Stannard Barrett, it is believed; *The Groans of the Talents; All the Blocks! a Parody on Elijah's Mantle;* &c.

Occasionally there were lines in some of these that rose above the average of burlesque. Thus Lord Erskine's closing career was foreshadowed—

> "Yet now, perhaps, imagination's ray
> May grow more temp'rate with his closing day;
> And as its ardors toward the horizon tend
> The pale cold orb of Reason may ascend."
>
> —*All the Talents,* p. 24.

It was in reference to the sudden collapse of the Grenville Ministry that the story is told of Lord Hermand. The great news had reached the Parliament House early in the day, and he was hastening over to the New Town to spread the welcome intelligence. He went by the Earthen Mound, as it was called, which was, until a recent period, the favourite resort of caravans of wild beasts, &c. As he went, he muttered to himself with characteristic fervour, "They're all out,—by the Lord Harry, they're all out,—every mother's son of them;" which, being overheard by an old woman whom he met, she threw herself into Hermand's arms, exclaiming, "Oh, save me, then, and my children!" The poor creature was mistaken as to *which* wild beasts were "out."

long space of twenty-eight years the most prominent place at the British Bar, would naturally excite surprise were it not for the recollection that the party to which he was attached was during that period wholly deprived of the power of selecting the law officers of the Crown, except for an equally short interval at the beginning of his career, when he was too young and inexperienced to expect promotion."[1]

When Mr Erskine assumed the office of Lord Advocate, John Clerk became Solicitor-General. The influence which two such men might have had in advancing sound public opinion in Scotland, was not so apparent as had been anticipated. The moving Minister in Scotland was at this time Lord Lauderdale, whose extreme Jacobin opinions, though undergoing a change for the better under the influence of official responsibility and royal favour, were remembered against him. In Scotland, as in France, his reputation as the former friend and associate of Brissot the Republican, was not calculated to inspire confidence.

"Personally," writes Lord Cockburn, "Erskine was excellent, liberal, judicious, and beloved, but he deferred too much to the crochety positive disposition of Clerk, who, a good man himself, was inclined to domineer over the gentler nature of Erskine, whose health, moreover, was not good." All this might have been remedied had time been allowed, but it seems hardly reasonable to have expected that any such result as that looked for could have been achieved during their brief tenure of power.

One qualification, said to be of consequence, in the eyes of some, for the post of Lord Advocate—namely, a goodly presence in the House, Mr Erskine possessed to an eminent degree. Ferguson of Pitfour it was who remarked, "We Scotchmen always vote with the Lord Advocate, so we like to be able *to see* him at the close of a debate."

[1] Foss's *Judges of England*, vii. 268. It was calculated that Lord Erskine's tenure of office extended to exactly a year, a month, and a day.

While the fate of the Government was still uncertain, Mr Erskine was in London. On the day when news came down that the Administration had ceased to be, he arrived early in Edinburgh. His next-door neighbours in Princes Street were at that time the family of "his intimate and greatly valued friend" Alexander Fraser Tytler, Lord Woodhouselee, father of the historian. They knew well what a blow to the hopes of Mr Erskine this change in affairs must be, but they, with kindly feeling, refrained from going at once to give the welcome home, which they would have done in ordinary circumstances, till they learned how much —or how little—the Lord Advocate was taking the matter to heart. So the Tytlers, well acquainted with his habits, waited on till about five o'clock, knowing that, having dined at his usual hour, if all were well, about that hour they would hear the sound of his violin. Punctual to the hour they listened and heard the well-known airs from his favourite Correlli, as if nothing of any consequence had happened, and knew that they might look in to *welcome*, if they could not condole.

How completely the political exigencies of the time had been the means of depriving Mr Erskine of promotion in his profession, may be gathered from a glance at the list of Commissioners appointed in 1808 to superintend the working of the new regulations for the law courts. The majority of these were men of his own standing, some of whom had been rivals at the Bar, but not the less friends for all that. Amongst the names upon the list are those of Lord Melville, late Lord Advocate; Sir Ilay Campbell, late Lord President; Lord President Blair; Charles Hope, Lord Justice-Clerk; David Boyle, Solicitor-General; and three representative advocates, of whom the *junior* was the Hon. Henry Erskine.

Still—as all his contemporaries bore witness—there never was the slightest trace of jealousy in regard to any of his more

fortunate brethren of the law. "He was so utterly incapable of rancour," says Lord Jeffrey, "that even the rancorous felt that he ought not to be made its victim." With respect to one of these—namely, Charles Hope, there could not have been any such feeling. His unselfishness has been already noticed, and would not be likely to be forgotten by a man of Mr Erskine's sympathetic nature.

One of the most picturesque passages in Lord Cockburn's book describes touchingly the emotion felt by Henry Erskine on the death of President Blair, his friend, and antagonist in many a legal contest. "Next day," writes Lord Cockburn, "the Court was silent, and adjourned." At a hastily called meeting of the Faculty, "Henry Erskine tried to say something; and because he could only try it, it was as good a speech as he ever made. The emotion and a few broken sentences made this artless tribute, by the greatest surviving member of the profession to the greatest dead one, striking and beautiful."[1]

In the year 1808 was concluded an affair which created great excitement throughout the country, and proportionately added to the already widely spread reputation of Mr Erskine. This was the case of the Reverend Donald M'Arthur, minister of a Dissenting congregation at Port Bannatyne, in the island of Bute, against John Campbell, Esq., of Southhall, J.P. It appears that the prosecutor had originally been a cobbler, afterwards a seaman, as Lord Newton expressed it—"navigating a herring buss," and "in some measure carrying on the practice of a herring curer and carrier," which occupations he had quitted in 1801; and finally, having been ordained in 1804, was minister in a regularly constituted chapel of the Baptist community. On Sunday the 20th October 1805, the pursuer, while conducting public worship on the sea-shore at Collintray Ferry, was suddenly seized in the midst of his con-

[1] *Memorials*, p. 256.

gregation by the defender, who without warrant, as was alleged, proceeded thus to the disturbance and interruption of the worship of God; and carried the unfortunate minister, by sea, to Greenock. Landing a few miles from that place, he was confined in a small inn during the night, and in the morning marched "as a common felon," and delivered over to Captain Tatham, as a fit person to serve in his Majesty's navy.

An interdict, granted by Lord Bannatyne, could not be served, as the sufferer had been speedily conveyed on board the "Tourterelle" frigate to Ireland, beyond the jurisdiction of the Scottish Courts. Similarly, to defeat a writ of *habeas corpus*, the minister was in all haste carried to the Downs. It was not till 27th November that the Admiralty were pleased, on urgent representations made to them by Mr Erskine, to direct his discharge, and to release him from the hardship and indignity he was subjected to. Their lordships were induced at the same time to grant Mr M'Arthur a certificate, to the effect that he was never again to be impressed for his Majesty's service. The complaint, which specified these facts, closed with a claim for £2000 damages against Mr Campbell.

The defender could not allege that he had any press-warrant when he thus dealt with the pursuer, but he urged that he disapproved of the doctrines expressed by Mr M'Arthur on the question of the lawfulness, or otherwise, of war; and spoke of seditious discourses, without, however, "condescending" as to the occasions of such speeches. The Lord Ordinary (Meadowbank) found for the pursuer with *solatium* of £105. Mr Campbell presented a petition to the whole Court, consisting of Lords Newton, Robertson, Glenlee, and the Lord Justice-Clerk, against this judgment. The opinions given by the different judges are chiefly interesting from the view they afford of the customs regarding the impressment of seamen. Lord Newton, who dissented from the terms of the judgment, explained that it was quite lawful to take a seafaring man

skulking about on shore, and let him serve the King, rather than any other master, for ten years. He did not consider that it had been shown that Mr M'Arthur had "left the sea;" and though it would be cruel and unjust to impress a man settled in another profession, yet, "if a sailor be merely *balancing* about leaving the sea, or only taking trial of another profession, this will not be sufficient to exempt him from the impress."

The Lord Justice-Clerk, who took a different view, instanced the cases of two of Mr Cunningham the jeweller's men, an apprentice and a journeyman, neither of whom had long left the sea. The former was held to be *bound*, whereas the other had merely begun to work at day's wages, and this was not considered to be such a "dereliction of the sea" as to exempt him from the impress.

It was unquestioned that the form Mr Campbell's arguments took in reply to unpalatable doctrines were of the roughest description; and the Court in their finding more than insinuated that the steps taken were in effect *color quæsitus*, with a view to getting rid of an unpleasant neighbour. In the end the sentence in favour of Mr Erskine's contention was affirmed, with indemnification of all expenses.[1]

Anderson, compiler of the *Scottish Nation*, has stated with regard to this little known case, what does not appear in the report, that the prosecution, which it is said resulted in a composition of £500 to escape a heavier penalty, was undertaken by Mr Erskine "at his own risk," and that "to his generous interference in this case the friends of civil and religious liberty are greatly indebted, as since that time no one has ventured in Scotland to interfere with the persons of those who are engaged in religious instruction, however humble and unprotected."

It would, indeed, be difficult to imagine an incident better calculated to take the popular fancy in Scotland than the

[1] Buchanan's *Reports*, pp. 60-72.

chivalrous defence of the poor and persecuted Baptist preacher by the noble-minded Harry Erskine.

Such generous traits of character as these, which were not of rare occurrence, gained Mr Erskine a reputation that found expression in a casual remark by a poor man which he little knew would be accepted, and repeated from one generation to another, as an epitome of his hero's character. The oft-told tale is this. The honest man in a remote part of the country had been advised by the lawyer, to whom he applied for advice, not to contend with some wealthy neighbour at whose hands he had been aggrieved, on account of the ruinous expense he must incur; but he instantly replied—

"Ye dinna ken what ye're saying, maister; there's no' a puir man in a' Scotland need want a friend, or fear an enemy, sae lang as Hairry Erskine lives."

Many and various, it will be believed, were the tributary offerings made to Mr Erskine by grateful and admiring clients, though unhappily it did not occur to any in a position to do so, to follow the example of Mr Kant in his approbation of Thomas Erskine's conduct.

One instance of such grateful recognition of professional service is recorded. At a very late hour one night Mr Erskine was informed that a lady had arrived in a chair, and was in the hall below, most anxious to speak with him. He, with the courtesy habitual to him, instantly rose and descended to the hall, where he was saluted by the two Highland chairmen with the broadest of grins. They proceeded to open the chair, when there appeared no "Lady in Green Mantle," but a goodly keg of Highland whisky. The odour of peat-smoke with which the hall was filled left no doubt as to the lady's origin. Without asking too many questions, Mr Erskine sent a message of thanks to the donor, adding—

"And if the lady has any sisters, I should be glad to make their acquaintance, and to see a little more of the family.—

Such young gentlewomen would be sure to enliven any society," and so on.

As the last years of the eighteenth century passed away and the next began, by degrees a phrase came into vogue with the necessity for it—it was the "Independence of the Scottish Bar."

For many years—in fact until the great dinner given to Lord Erskine at Edinburgh in 1820—the only great gathering of the Whig party was at the annual celebration of the birthday of Charles James Fox, "a man dear to the Friends of Freedom." On such occasions the utmost latitude was taken in regard to the toasts proposed,—"The Rights of the People," "Constitutional redress for the People's wrongs," "May the People of Ireland speedily be restored to the blessings of Law and Liberty," and "Our sovereign's health—the Majesty of the People:" and many such daring sentiments, which were wont to be received with applause. The latter toast, by the way, cost the Duke of Norfolk his "Lieutenancy in Yorkshire, and his regiment of militia."

Happily it is with ideas of a much milder description that we find Mr Erskine's name connected on one of these occasions. At a meeting of the Whig Club in London, on the 24th January, the company at the same time drank the toast of "Lord Erskine and Trial by Jury;" and afterwards to "Henry Erskine and the INDEPENDENCE OF THE SCOTTISH BAR."

The use of the phrase in this connection, it is believed, had reference less to Mr Erskine's controversy with the Faculty (though doubtless that incident was a striking example of what was meant) than to a recognition of his persistent opposition to a high-handed ordering of things, whether in the shape of oppressive legislative measures, or on the part of those at the head of the profession; and a steadfast refusal of all promotion that would have involved a severance from political principle.

Such consistent adherence to the line of duty was not without its effect: there is evidence that in the succeeding generation at the Scottish Bar this fact was amply acknowledged.[1] If the phrase has fallen somewhat into disuse, it is proof of the perfect triumph of the stout-hearted men who suffered, and sacrificed, much for the honour of their profession. Doubtless there are gentlemen on the Bench, and at the Bar, in these days, who will think that some little labour is not ill spent in the endeavour to show what they owe to some of those who have preceded them.

[1] Towards the close of a long life, Mrs Archibald Fletcher placed on record a conversation she had held with Lord Jeffrey, the details of it brought back to her memory by the death of her friend. In February 1850 Mrs Fletcher wrote to her daughter, who had married a brother of Sir Humphry Davy,—"I shall never forget the last earnest conversation I had with him. . . . I said, 'I rejoice, Lord Jeffrey, to have lived to know that the Court of Session possessed the confidence of the country.' He answered, with great animation, 'Yes, Mrs Fletcher; but if it had not been for the *indomitable courage* of your husband in the worst of times, when he *and one or two more* maintained the Independence of the Bar, we younger men would have been trampled upon, and the Court of Session would never have enjoyed the confidence of the country.' I have registered this saying in my heart of hearts, and I would have you engraft it on that of your children."—*Autobiography*, p. 280.

CHAPTER XVIII.

DAVID, EARL OF BUCHAN — OPINIONS REGARDING HIM — SHARP CRITICISM — LITERARY SCHEMES — CARDINAL ERSKINE — LETTER OF BURNS—JOHN CLERK'S ETCHINGS—STORIES OF LORD BUCHAN—SIR THOMAS BROWNE — GEORGE WASHINGTON — DR FRANKLIN — "CEVALLOS ARTICLE"—SCOTCH REPRESENTATIVE PEERS—ROBERT BLOOMFIELD—LETTER TO GEORGE III.—PRINCESS MARY—LETTERS OF THE DUKE OF KENT—THOMAS CAMPBELL—REMINISCENCES—CORRESPONDENCE.

SOME further notice of David, Earl of Buchan, in some respects the most remarkable of Mr Erskine's kinsfolk, other than the incidental references which have been made in the progress of this book, seems necessary. No man in Scotland was better known than the Earl of Buchan. During a long period of his life the position he held was unique, acknowledged, and well defined. Unquestionably the popular estimate of this extraordinary man was mainly founded upon the wonderful measure of personal vanity which distinguished him. Still, it is impossible to read the numerous letters of literary men of that age, in which he is mentioned, without having the conviction forced upon one that he was a very able and learned man,—an opinion amply supported by the testimony of those who knew him best. While many thought him only absurd, there were others who considered him "ornamental to literature, and useful to mankind." Henry Brougham, "his ain bairn o' the hoose," than whom no one knew Lord Buchan

better, has recorded his opinion that he was much underrated.[1] Archibald Constable knew him to be endowed with "qualities of sterling excellence, both mental and moral," and that "in friendship he was active and sincere;" indeed he believed him to be "*possessed* with a spirit of friendliness."[2] The venerable David Laing has written, and often expressed to the present writer, similar views.

Nothing perhaps has done more to influence opinion in our time regarding the Earl of Buchan than the brief and not always complimentary references to him by Sir Walter Scott and John Gibson Lockhart. Everybody has read what they have written, while it is equally certain that comparatively few have had opportunity of knowing the opinions of other persons who had better means of forming a correct judgment of Lord Buchan's character. No incident in the life of Sir Walter Scott is more commonly known, or more frequently cited, when the Earl of Buchan is mentioned, than that of the deliberate arrangements which he made for the funeral of the great novelist at Dryburgh, and the means which he took to have Scott informed of his good intentions while he yet lay ill at his house in Castle Street. Still, the present writer has been assured by one who was most likely to be well informed, that there was a good deal of exaggeration in the effective narrative of what then took place. The story lost nothing in the telling at the hands of a writer who has acknowledged it to have been a characteristic of himself that in his efforts after what should be effective, or humorous, he was not always attentive as to what might detract a little from others.[3] In fact, neither Scott nor Lockhart was quite

[1] See *Autobiography*, i. 55. [2] *Correspondence*, i. 518.

[3] There is no more curious passage in that remarkable book, *Peter's Letters to his Kinsfolk*, by John Gibson Lockhart, than that in which Dr Peter Morris is made to write to his friends in Wales his impressions of Edinburgh celebrities, among others of "John Gibson Lockhart," which are not altogether flattering, however correct the definition of the popular estimate may be.

the man to appreciate the bent of Lord Buchan's mind. It was essentially *antiquarian* in the best sense of that word—that is, the sense in which it is employed in reference to men like the late David Laing and Joseph Anderson, whose admiration for things old mainly appears in their efforts to preserve from oblivion what is most worthy of being rescued from the tooth of time. Of antiquarian feeling of this kind Scott had not much idea; he was "rather an observer of detached facts regarding antiquities than a regular student."[1]

Thus, when Sir Walter wrote of Lord Buchan that he was a "cheap Mæcenas," "a trumpery body," and so on, it may be understood, not so much—as Lord Campbell has suggested—that Scott himself was then past his best, as that his thoughts were not quite in sympathy with the objects literary, and of public utility, which Lord Buchan had at heart.

Moreover, it is submitted, there is evidence that when we find expressions such as these—of unusual pungency—used in that age, considerable allowance should be made. The expressions were only "relative," it is believed. It appears there was a *bravura* style then in vogue—in letter-writing especially—which must be taken for what it is worth. As has been charitably said with regard to some who in our day are loud in their cry against a Divine Providence, that they probably only mean a half of what they say; similarly this was but the form, perhaps, in which these literary gentlemen were wont to express their want of faith in one another. It is certain that much that has been written in this style, may be said to have been intended for private use, and such things it is very unfair to quote as the deliberate opinions of the writers. Can anything, for instance, be more unfair than to cite as the mature judgment of Charles Kirkpatrick Sharpe that Milton's *Paradise Lost* was "a heap of blasphemy," or that he considered Sir Walter Scott to be "the greatest liar he ever knew, in antiquarian matters"? Though it is perfectly true that he

[1] Lockhart's *Life of Scott*, i. 333.

permitted himself to dash off such remarks at his friend's expense, equally true is it that, for all that, Charles considered his *Ballad Book* hardly worthy of being inscribed to the man whom he had in such plain terms described, but for whom, all the same, he was wont to express his affection in the most extravagant terms.

In the same style were the sweeping remarks of Scott, who could see in Pinkerton and Joseph Ritson only "rabid numskuls disturbing the tranquillity of the very impassionate study of antiquities."[1] Did not Scott describe his own grandmother as an "*awfu' leer*"?

Thus, it is contended, too much force must not be conceded to what Scott may have written of the Earl of Buchan, a man with whom he had no political sympathy, and with whose literary ideas his own were not in accord.

The aims of Lord Buchan may be understood from what he in some degree succeeded in accomplishing. The *Iconographia Scotica*, which, in conjunction with Pinkerton, he was instrumental in producing, is still a work of authority, and has hardly yet been superseded by anything better of its kind.

There is nothing more remarkable than the faith in Lord Buchan, which seems to have led many persons to hand over to him as the proper custodian what really were literary treasures of the highest value. For example, some thirteen volumes of MSS. of Drummond of Hawthornden, containing much that was till then unknown, were handed over to Lord Buchan by Bishop Abernethy Drummond, a member of the poet's family, for the benefit of the public, to whom the Earl did in due course submit them.[2] Through the kindness of his

[1] Letter from Sir Walter Scott to Mr James Maidment, dated Walker Street, July [1824].

[2] A question seems to have arisen whether these papers had been given to Lord Buchan personally, as claimed by his Lordship, or only as the representative of the Antiquarian Society. See David Laing's remarks on this matter in *Archæologia Scotica*, vol. iv., 1857, p. 59.

kinsman, Cardinal Erskine, he was enabled to add to the Library of the Society of Antiquaries documents of considerable value—namely, authenticated copies in MS. of "Nine Bulls of Pope Honorius III. relating to Scotch affairs in the archives of the Vatican." These, it is understood, were the only papers of the kind in this country for many years, indeed, until the appearance of the work of the learned Father Augustinus Theiner in 1864.[1]

A letter referring to further researches, from the ultra-Jacobite, Cardinal Erskine,[2] to his Scotch cousin, may be read with some interest.

Monsignore Carlo Erskine, Prelato Domestico di Sua Santita, to Lord Buchan.

"ROME 1, *May* 1790.

"MY LORD,—I received two letters with which your Lordship has been pleased to honour me this winter,—the first by the British Minister at Florence, the other by Mr Coutts. I am infinitely obliged to your Lordship for having procured to me the pleasure of the acquaintance of Mr and Mss. Coutts, and their Daughters, and I wish that they may be equally satisfied of me: for although I have offered to them my servites in all that has been in my power, yett my employment and situation have not allowed me to do for them all that I would have desired, to show to them how much I valued your Lordship recommendation and their merit.

[1] *Veterana Monumenta Hibernorum et Scotorum Historiam illustr.* &c. Romæ, *typis Vaticanis*, 1864.

[2] Cardinal Erskine, born 1753, was grandson of Sir Alex. Erskine of Cambo in Fife (a branch of the Kellie family) and his wife, a daughter of the fourth Earl of Kellie. His father settled in Rome where Charles held the office of "Avocato di diavolo" at the Court of the Vatican. Monsignor Erskine came to England in 1794 and was well received, though Sir Gilbert Elliot was very doubtful of the diplomacy of the astute ecclesiastic.—See *Letters*, ii. 248. He became a Cardinal in 1801.

"Mr Coutts is on the moment of leaving this town, and has been so kind to charge himself with the care of furthering this to you.

"If at any time any person should come here for which your Lordship would interest himself, I shall make it my duty, and it will also afford to me an extraordinary pleasure, to be employed in his services. Several Scothe have been in Rome this winter, but I have not had the opportunity of being acquainted with any but Sir Macpherson and his companion Mr Macaulay, and my Lord Hume and Mr Cleghorn, whose estate is near Cambo.

"I have not failed to make inquiries for the MS. of Malchus the Anachorite, which your Lorship mentioned to me in your first letter, as the persons employed in the Vatican have been very much occupied for some time, they could not make the researches necessary to find it: but I am promised that within a short time I shall have a satisfactory answer.

"The contagion is spread to ——[1] and those subjects of the Pope are affected with the same disease with their neighbours. Here hitherto we are at peace, but God knows how long we shall be so. There is so good circumstances that the Romans in general have no good opinion of the nation that has set the example.

"I shall receive with infinite pleasure the notions of your worthy brother, who does so much honour to the name of Erskine. I had flattered myself with the hopes of opening a correspondence with him, and had taken the liberty of writing to him by Mr Andrew Stuart[2] who was here the year past,— but his too great occupations, as I imagine, have deprived me of the honour of his answer. It is much to be lamented that the performances of your other honoured brother at Edinburgh can not likewise be produced to the public.—I am, with sincere

[1] Illegible.

[2] Of Castlemilk, author of *Hist. of the Stewarts*, a correspondent of Lord Buchan's.

esteem and respect, my Lord, your Lordship's most affectionate Cousin, and obliged humble Ser^t. CAR. ERSKINE.

"I have spoken to H.R.H. [Cardinal York] for the portraits of his family which your Lordship is wanting. I could not show to him your letter as it was deficient in the titles he assumes, yett he has promised to comply with your desire." [1]

Much has been said,—and justly so,—in regard to his vanity and egotism. The former of these qualities was unquestionable; with regard to the latter, it may be fairly said of Earl David, as Brougham has left on record regarding Lord Erskine, that his egotism took that form which is the very least offensive, inasmuch as it did not aim at detraction from what is due to others, but is rather the expression of a genial feeling, which seeks to enlist the sympathies of others *in a worthy object.*

One might think that with an intensely vain man like Lord Buchan, nothing would have gone down so well as flattery,—but not so; there was with him a just middle line, which might not be overstepped. This fact had hardly been sufficiently realised by Robert Burns. More than one letter of the poet's to Lord Buchan has been preserved, written in his own strong rugged style, but withal a little obsequious. That dated 3d February 1787, in which the poet personifies "Wisdom" as dwelling with "Prudence," has repeatedly been printed. In this letter he likewise gives a couplet, meant to be only complimentary, but which the Earl thought too strong. While the letter—the original of which is in the British Museum[2]—has often been cited, the Earl's quaint endorsement on it, I believe, never has been noticed. This is his only comment on the contents: "Swift says 'Praise is like ambergris; a little is odorous—*much stinks.*'"

Instances in plenty might be given in which unselfishness

[1] Laing MSS. [2] Add. MSS., Select Depart.

the very opposite of a repulsive egotism was apparent. Only one instance out of many need be given. Lord Buchan took much thought and trouble to have laid before King George III. certain etchings of Scotch scenery, the work of John Clerk of Eldin, father of Lord Eldin, the Judge. This was at a time when the art was little practised or known in Scotland. It was in the year 1786, that this presentation took place, after some correspondence with Mr Barnard, the King's Librarian. But it is not, it is submitted, the thought of a selfish man, or of one anxious to magnify himself, that appears in the postscript of a letter to Mr Barnard,—"Mr Clerk is a most ingenious and excellent man, and the whole family is so respectable and amiable, that if his Majesty is pleased to order any notice to be taken of this communication, it would be a great pleasure to me if it should be addressed to Mr Clerk rather than to me."

The "enhanced" style of diction which has been mentioned was as much a characteristic of the Earl of Buchan himself, as it was of any of those at whose hands he is alleged to have suffered by reason of this peculiarity. It was even more striking in his case, seeing that he was wont to give practical expression to this habit. There seems to have been in his humour something American, or French, rather than native—somewhat of the exaggeration which has made the eccentricities of Mark Twain or of *Cham* so amusing in our day. There was, perhaps, more than stupid self-conceit in his reply to a fellow-worshipper in St George's who inquired on one occasion if he had been at the forenoon service at that church. "No," answered his lordship—"my *mitts* are left on the desk of the front pew of the gallery, and the congregation, when they see them, are pleased to think that the Earl of Buchan is there." Everything depends upon the manner of the speech in such an incident. The words remain, but the look has been lost. In all seriousness, however, was the incident which has been recorded, of his mentioning an able paper on Optics that had

just been written by one of his "sons,"[1] a certain *David* Brewster; and was making a stir. The Earl added, with impressive solemnity—"You see, *I revised* it." Many stories of this sort have been related, in which it is difficult to say how much of seriousness or of humour they contain.

Perhaps it was something of the exaggeration spoken of, that fired Lord Buchan with the notion of improving upon, or outdoing, the taste for classical reproduction then in vogue, which had led Lord Monboddo to wreathe his supper-table and wine-decanters with flowers, and to experiments of a description similar to the "Entertainments in the manner of the Ancients" described in *Peregrine Pickle*. At all events his Lordship, in an unlucky moment, contrived a scene which he hoped one of his artist *protégés* might perpetuate on canvas. Nine young ladies of rank[2] were selected, who should personate the Muses, while Lord Buchan received them in the character of Apollo. The young ladies and their host were of course in the proper costumes, but, unhappily, classical model had been followed somewhat too closely in the case of the small boy who supported the character of Cupid, and entered bearing in one hand the regulation bow, the tea-kettle in the other; but

[1] It was one of the Earl's conceits to style everybody who was named "David" *his son*,—that is, if they were likely to be creditable to him. *David* Laing had the honour to be one of those sons of Lord Buchan's adoption, so the good old man informed the present writer. This fancy may account for the formula regarding David Riz (p. 83), which is not clear without some such explanation.

[2] Miss Grizzel Baillie is said to have been one of these. The reverend author of that scandalous production, the *Town Eclogue*, Edin. 1804, after the publication of which he thought it best to absent himself, has nothing worse to say regarding these vagaries of Lord Buchan, or concerning his brother, than the following lines—had there been worse, doubtless it would have been said :—

"Bids a mock angel his bombast rehearse,
And whips a chit for blund'ring at a verse.
Steams of weak tea, like curling incense spread,
Wreathe round the president's belaurell'd head;
Who but such inconsistent folly shuns,
Worse e'en than H[arr]y's stale concocted puns?"

with no more than the scanty amount of drapery to be found in ancient sculpture. The Muses were appalled—as well they might be—and with one mind, and "nyne-voiced mouth" as a royal poet hath it, ran giggling and screeching from the room. "But," adds a narrator, "the classical scene *had taken place*, and therewith Lord Buchan was content, even though the world chose to crack its sides with laughter at him."

It has been constantly said that Lord Buchan took credit to himself for having completed, at much personal expense, the education of his brothers. This statement has been repeated in every notice of the Erskines. Yet it was distinctly affirmed by Henry to be erroneous. Indeed a comparison of dates is sufficient to show that "education," as the term is usually understood, could hardly have been intended. When the old Earl, their father, died in 1767, the two brothers had already received their education; the elder was upon the point of being called to the Scottish Bar—while in the case of Thomas, his schooling, such as it was, had long been over, and he was then about to become an officer in the 1st Royals. Still there is reason to suppose, after a perusal of the family letters, that the Earl's boast may have been founded on the fact, that certain fees due by Thomas Erskine on his subsequent entry into the legal profession were paid by his eldest brother. In a letter from Lord Buchan to Dr Anderson, dated 21st April 1810, this passage occurs: "Pray mention to him [Mr John Bell] the friendship that has long subsisted between my family and the Bullers. I placed, indeed, my brother Erskine with him as a special pleader." It is quite possible that some of the final payments, before Mr Erskine's actual call, or admission, to the Scottish Bar, may have been defrayed by the young Earl, his brother.

In all of the numerous instances which have been preserved illustrative of the exalted talk of the Earl of Buchan, it is believed that a foundation strictly correct may be found, but underlying a coating of ornament more or less florid and

effective. Thus, when he would with pride assert that Sir Thomas Browne was *his grandfather*, the statement, though obviously absurd as regards the proximity of relationship, had yet some measure of truth in it, as has been already shown. This was only Lord Buchan's manner of expressing his pride in the author of *Religio Medici*, his ancestor.

Earl David was wont to speak of George Washington as his friend *and cousin*, which most persons thought absurd; but after all, it was only a question of American, or Scotch, cousinship,—a term of some elasticity. They were both descended from the Fairfax family, as is well known, though what was the exact degree of relationship regarding which George Washington[1] corresponded with the Earl of Buchan it would perhaps be hard for the genealogist to determine. But he "claimed kindred there, and had the claim allowed," as fully appears from a letter written by General Washington to Lord Buchan, and printed at his lordship's private press, as well as from one of considerable interest written by Brian, Lord Fairfax of Cameron, a Scotch peer and American citizen, upon the death of their common relative, Washington, addressed to Lord Buchan. These are not given here on account of their length.

As the cousin of George Washington, he thought it incumbent upon him to show all attention to the nation over whom his relative presided. Many distinguished Americans were entertained by him at Dryburgh. It is well known that Benjamin Franklin was not over well pleased with the manner of his reception in this country. That his feelings with regard to the Earl of Buchan and his brother Henry Erskine were of a kindly character, the following tribute to the brothers *perhaps* bears evidence. These verses—*Sapphics*, the metre of Canning's "Needy Knife-grinder,"—are, as regards measure, of the most lax description, but will doubtless be considered a literary curiosity, whether they be Dr *Benjamin* Franklin's or

[1] "The illustrious and excellent Washington, in whom I glory as my cousin and my friend."—MS. note by Lord Buchan.

not. There is much doubt on this point. The original is without signature or date, but is in the handwriting of Earl David, with the endorsement by him—"Dr Franklin[1] to the Earl of Buchan."

Ad Davidem Comitem de Buchan et ejus fratrem Henricum.

"Genus regale, paterni nec honores
Laqueata tecta nec munera fortunæ,
Nemora non tam propria sata manû
Tibi decora.

Virtus quam et mens litteris imbuta
Ingenium et callens artium bonarum
Comitas atque liberalis animus
Nobis benignus.

Par et equalis tibi apta conjux,
Quam gratiam et bonam, quam hilaremque
Quam familiarem et candidam se
Praebuit nobis.

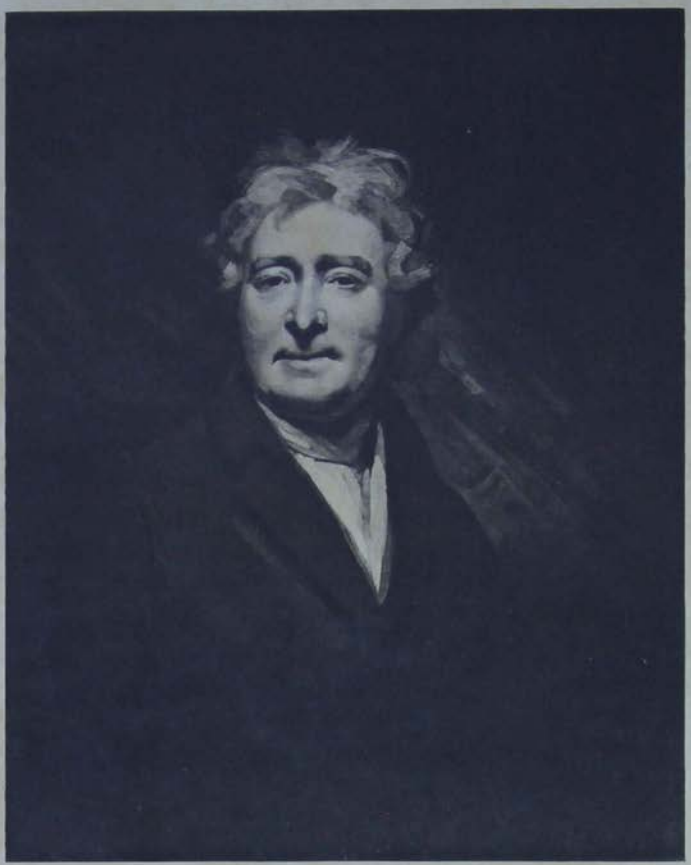
O minor fratrum omnibus es notus
Juris consultus et actor disertus,
Nobis sed notus humanitate et
Dicacitate.

Quis vero potest dicere sat digne
Virginis tui (*sic*) speciem et formam
Urbanitatem atque dulciorem
Fidibus vocem?

Quicquid se ipsas reddidit amabiles
Gratiæ dederunt, dedit Apollo
Arte sua canere pectora movere
Dedit et Venus."

In any notice of Lord Buchan some mention of the incident of the famous "Cevallos article" is indispensable. In this his

[1] It is shown in the *Mems. of Benj. Franklin* (Lond., 1817, ii. 41), that at a much earlier date than that indicated, Dr Franklin had given good advice when Earl David, then Lord Cardross, was sick of a fever at St Andrews. There were letters of his in the Earl's correspondence. This paper was at one time in the collection of Mr Dawson Turner, and is docketed as being in Benjamin Franklin's hand,—which it certainly is not. It is to be regretted that the evidence is not more complete.



David Stewart Erskine.

11th Earl of Buchan.

from the portrait by George Watson P.R.S.A.

lordship's success was complete, inasmuch as he managed to produce a "spectacle," the memory of which has survived fresh to the present hour, and which is admirably illustrative of his views upon a point of politics.

During the early part of the war in Spain, the line taken by the *Edinburgh Review*,—product of the brains of those fearless young Whigs whose power and brilliance are only now being called in question,—had been considered to "influence discontent at home, encourage our foreign enemy, and dispirit the people;" when, in October 1808, appeared an article criticising an account given by Don Pedro Cevallos of the French usurpations in Spain, which put an end to the patience with which the offensive views of the publication had been for some time borne. "Teazing tricks, which offended Lord Grey and Holland House as much as they did the Tories," Brougham styled these literary experiments.[1] It is recorded that Lord Buchan, at his abode in Castle Street, with the utmost solemnity, after having directed his servant to open the door and to take the number of the *Review* containing the offensive article, and—in technical phrase—*tee* it in the innermost part of the lobby, personally *kicked* the book out of his house to the centre of the street, where he left it to be trodden under foot of man and beast. He never doubted that this performance would be the deathblow to the entire work. Whether from the effect of the Earl's kick, or the force of public opinion, the *Quarterly*, the great rival of the *Edinburgh Review*, was called into existence within three months.

The marked success of the efforts made by the Earl of Buchan in his youth, and by those whom he had induced to act with him, for the establishment of independence in the election of Scotch representative peers, may be judged of from an in-

[1] The *Correspondence of the late Macvey Napier, Esq.* (p. 308), recently published, appears to settle the point that Brougham himself, in concert with Jeffrey, produced the famous article.

cident that occurred some little time after Lord Lauderdale's elevation to the peerage. His lordship was a candidate for election as one of "the sixteen," with all the support the Prince of Wales's interest could give him. Lord Moira writes from Edinburgh, September 25, 1804, to Lord Buchan: "To you I say . . . that I have the orders of the Prince of Wales to render to L^d. Lauderdale in the ensuing election whatsoever assistance may be in my power, *nisi tali dignus sit vindice nodus.* I could not wish to force you by any solicitations from your retreat; but should the determination of the point appear to turn on a single vote, then I entreat your permission to supplicate your help."

On the back of this letter Lord Buchan has written, with extreme circumspection: "If, as Lord Moira supposes, the election of L. should hinge upon my vote, and that it should seem necessary for the publick service that L. should have an immediate seat in the H. of Lords—being disengaged to L^d. Kellie—I should determine to give my casting vote for L. As it is, I am sure L. will lose it by half-a-score at least."

In still more pressing fashion Mr Coutts writes from the Strand on the subject of the Prince's anxiety in this matter, as explained to him by Colonel MacMahon. To Henry Erskine also had this gentleman written that the Prince "solicits with an inexpressible earnestness" Lord Buchan's vote and good offices for Lord Lauderdale, "valuing the Earl of Buchan, as he has ever done, as being at the head of that peerage, which of all the Scotch nobility his Royal Highness . . ." [Here the paper is torn.]

A similar request is made through Mr Erskine to Lord Rosebery.

On the letter of Thomas Coutts, Lord Buchan at some length minutes his views in this case:—

"My cousin, the Earl of Kellie, had mentioned to me at the last general election of the Scotch Peers his desire to be one of these representatives, and tho' I assured him that it was not

probable that I should ever again vote at an election, I should never think of preferring any peer to my friend and kinsman if he should be singly opposed to him on the occurrence of any vacancy. Being so situated, the request of the Prince of Wales as Duke of Rothesay was distressing to me, and I thought his R.H. ill advised to urge it so strongly."

If "The Independence of the Scottish Bar" was an appropriate phrase in connection with Henry Erskine's career—or "Trial by Jury," with that of the younger brother, "The Independence of the Scottish Peerage" seems to be a motto not undeserved by the Earl of Buchan.[1]

To humbler men than those who have been mentioned, the Earl was equally hospitable and kind.

Poor Bloomfield, author of the *Farmer's Boy*, as is known, was forced by ill-health to leave the rural scenes in which he took delight, and to practise the craft of a shoemaker. His gratitude for the kindness bestowed upon him by the Earl of Buchan the poet showed by making, with his own hands, a pair of kid shoes for Lady Buchan, which he presented to her, with the appropriate piece, entitled *Emma's Kid*, which may be found in all collections of his works.[2]

Writing from Dryburgh on the 21st April 1810, to Dr Anderson, in reply to a request for permission to print, along

[1] How completely successful were the efforts of Lord Buchan and those peers who felt with him in this matter, appears—as has been already mentioned—from the fact that when a very important vote was taken on the question of the Regency Bill in 1789, of the sixteen Scottish representative peers, *six* supported the Government, and *seven* voted in opposition.

[2] Lord Byron's lines will be remembered, in reference to Nathaniel and Robert Bloomfield, and, possibly, to this incident—

> "Ye tuneful cobblers! still your notes prolong,
> Compose at once a slipper and a song:
> So shall the fair your handiwork peruse,
> Your sonnets sure shall please—perhaps your shoes."
>
> —*English Bards and Scotch Reviewers.*

with Bloomfield's piece, the letter which the poet had sent with the famous slippers to Lady Buchan, the Earl says: "Lady Buchan and I have no objection to the printing of *Emma's Kid* and Bloomfield's letter in the May magazine. . . . Bloomfield, you know, recited his poem [*The Farmer's Boy*] to me, and in presence of my acquaintance when I was in London in 1801-2; he sold at that time, I believe, four thousand copies of his poems. . . . You are welcome to plow with my heifer whenever you please, in the fields of literature."

If it be fair to judge of a man by the company he keeps, it is surely equally just to form an estimate of him from his correspondence. There probably have been few men who carried on such a voluminous unofficial correspondence as Lord Buchan. Such of it as remains shows—as might be expected—Lord Buchan in a better light than any efforts entirely his own were likely to do. His life was so much before the public, and he had such a character to keep up, that—there is good ground for supposing—his real temperament was in these less apparent than in the letters written, and received, by him.

The most striking illustration of what has been stated is to be found in the extraordinary nature of his intercourse and correspondence with various members of the royal family,—notably with H.R.H. the Duke of Kent. It seems to have been felt by the King and many illustrious persons, at a time when unsettling views were abroad, that in this old Scotch peer there was even more than the usual proportion of that loyalty and kindly feeling towards the reigning family collectively, and to individual members of it, which is, happily, a characteristic of this part of the United Kingdom. It is hardly possible otherwise to explain, or understand, the dignified condescension to the worthy but most eccentric old nobleman shown by all the royal family, even in circumstances

which one cannot but look upon as indicating extreme presumption. Thus, when Lord Buchan took upon him to advise the King as to what he should do at certain junctures in State affairs, or to express his approval of the dutiful conduct of the royal princesses to their invalid father, grounding his right to do so, as was his wont, upon his *consanguinity* to these august personages, it is believed that it was some kindly feeling, such as has been suggested, that inclined his royal correspondents to look with indulgence upon what, by less discriminating judges, might easily have been misunderstood. After all, there is perhaps no class of life, not excepting the most exalted, where a *true* personal interest, and an honest devotion can be otherwise than gratifying. In the case of the Duke of Kent, there seems to have existed in his mind a feeling for the Earl of Buchan of very sincere friendship. This is amply shown by the letters from his Royal Highness which have been preserved, some fourteen in all. One or two specimens, it is thought, may, without indiscretion, be selected to illustrate what has been affirmed.

The Earl of Buchan to King George III.

"SIR,—Considering my uniform Duty towards your Majesty, and perfect abstinence from that *Spirit of Party*, which I have always thought hostile to the true interests of my country, and remembering the days when at my kinsman's, George Lewis Scott, immediately adjoining to your Majesty's ancient residence at Savile House, I used to imbibe the most partial sentiments regarding your Majesty, I take the Liberty of requesting you not to accept of the Great Seal from my Brother Thomas, but to impose your commands on him to retain them (*sic*) for the service of your Majesty's subjects. This is my humble suit and opinion, and I am sure, considering my *consanguinity to your Majesty*, and my being an antient Peer of your Majesty's Realm, you will see in the light my duty and

fidelity to you enclines me to expect.—I am, sir, with great truth and esteem, you Majesty's dutiful subject and humble servt. BUCHAN.

"EDINBURGH, *April* 3*rd*, 1807."

Memoranda by Lord Buchan of a Letter addressed to H.R.H. the Princess Mary.

"EDINBURGH, *Feb.* 2, 1811.

"Lord Buchan, who was delighted with the dutiful attention of all the females of the Royal family to their unfortunate Father, and particularly with that of the Princesses Amelia and Mary, caused one of Henning's little camayeus of his bust to be elegantly placed on a Bracelet, with the *cross crosslet of Mar* set with diamonds, and sent it to the Princess Mary as a testimony of his esteem. He accompanied this little mark of regard with a letter, expressive of the reasons that induced the gift. He said he had felt, through the whole course of a long life, the inexpressible pleasure and satisfaction arising from love and duty to his worthy parents and preceptors, and that he was therefore particularly anxious that the Prince of Wales should conduct himself so,—should partake of the same glory and honour. That the affectionate regard he had entertained for the King for more than fifty years, which all Europe must acknowledge to have been different from that of others who had similar advantages and pretensions, and to have been clean wasted from party motives and self-interest, and guided only by a regard to public good and the King's welfare, led him to rejoice that there were hopes now entertained by the Physicians of his Majesty's ultimate recovery and resumption of Government, in which case, though he lived in retirement, he would come up to the castle, and do himself the honour to attend his Majesty to London.

"That he had conveyed to the Prince his advice not to be intimidated by factions and combinations among his servants,

but to preserve all things dependant on him in such a political state as to be able to vindicate his conduct in all respects to his country, and to his father, in the event of his being able again to hold the reins of government.

"That he wished the whole Royal Family *to be united*, and to adopt the motto of Mar, *Unione Fortior*, and to fulfil it in their conduct.

"That the Queen's dutiful conduct towards the King had at all times given him the highest satisfaction, and particularly now that it had been put to the most important trial."

To this letter the following very gracious answer was returned:—

"WINDSOR, *Feb.* 25, 1811.

"Princess Mary lost not a moment in communicating the contents of Lord Buchan's letter, received this morning, to her Majesty, who felt it her duty to lay it before the King, who expressed himself truly sensible of Lord Buchan's constant loyalty and attachment towards him *upon all occasions*, and did not want this fresh proof of his respect to convince him of his Lordship's duty and attachment.

"The Queen is equally sensible of Lord Buchan's attentions.

"Princess Mary cannot refrain from expressing how flattered she is at Lord Buchan's having made her the bearer of a letter which gave so much satisfaction and pleasure to their Majesties."

At the period in question, it will be remembered the Duke of Kent, the most respected of all the royal brothers, had chosen a position which brought him little before the public. A thorough soldier, he was wrapt up in his profession, which for many years was the subject of his study night and day. When on duty, the welfare of his "command" was the thought ever uppermost in his mind. This was the opinion of persons who had the best opportunities of forming a correct judgment

—namely, those immediately under his orders. These when they spoke of his Royal Highness, invariably added the phrase, that "the General was a most perfect gentleman."[1]

The correspondence spoken of, extending over many years, shows that the Prince had full confidence in the judgment of his friend. There was between them this bond of sympathy, that they agreed (as is shown in one letter) in their estimate of Lord Sidmouth's moderate policy. As might be expected, there is, with much of a private nature which obviously it would be as unbecoming as it is unnecessary to touch upon, frequent reference to the embarrassment which the Duke of Kent experienced from the neglect of his claims by a Government with which he had usually but little sympathy.

Without doubt, it will be interesting to readers of these kindly letters of the Duke of Kent to gather from them that the regard with which it has pleased our much-loved Queen to honour her ancient kingdom of Scotland may be the result of a feeling inherited.

H.R.H. the Duke of Kent to Lord Buchan.

"KENSINGTON PALACE, 26 *Febry.* 1811.

"MY DEAR LORD,—Having received your Lordship's cover of the 18th on Friday last the 22d, enclosing a letter for my sister Mary, I availed myself of the first opportunity I had of going over to Windsor, which was on the 24th, and put it into her hands, and I now have the satisfaction of transmitting a short note from her [see preceding page], which she gave me yesterday, and which I trust will not be unpleasant to you, for it was written *currente calamo* as the heart dictated it, and no human being, I will venture to say, possesses a better. I have this moment received your Lordship's favour of the 22d, and beg to offer my kindest thanks in return for your obliging promise

[1] Compare *Life of Admiral Sir William Parker, Bart, G.C.B.*, by Rear-Admiral A. Phillimore.

of noticing my unfortunate friends now visitors in Scotland. . . . I am happy in this and every opportunity of repeating these sentiments of friendly regard and sincere esteem with which . . .[1] EDWARD."

"KENSINGTON PALACE, 13*th August* 1811.

"MY DEAR LORD,—I am this moment, on my return home from Windsor, favor'd with your Lordship's most kind letter, in reply to which I beg to assure you that I shall have great pleasure in complying with your wish by substituting the name of William Fraser, Lady Buchan's nephew, on my list of candidates for commissions in the old National Corps, in place of that of Mr Drummond; but . . . some considerable time must necessarily elapse before I can engage to bring your young *protégé* forward; but as his very name is a Delight to my ears (for no Scotchman born ever was half so national as I am in my capacity as Colonel of the Royal Scots),[2] you may be assured that on my part there shall be no delay to his advancement which I can possibly prevent, and I request you will say this with my respectful compliments to her Ladyship, and add how proud and happy I shall be to attend to her nephew the moment he can join our Colors.—In reply to your Lordship's feeling inquiries after the state of things at Windsor, I grieve to have to tell you that the only word of comfort I can impart at this moment is, that there is no *immediate* apprehension as to the *life* of my beloved Father; . . . a life that has been mark'd for uprightness and virtue. . . . I will not fail to communicate to the Prince Regent the interesting information respecting the beautiful paint-

[1] Addit. MSS., Select Dep. Brit. Mus.

[2] The published *Historical Record* of the Royal Scots seems to make no mention of two noteworthy facts,—*first*, that a future Queen and Empress "was born in the regiment," her father having been Colonel at the time of her birth. Her Majesty has said—"My dear father was proud of his profession; and I was always taught to consider myself a soldier's child:" and *secondly*, that a Lord Chancellor of England, to be, served as a subaltern in the corps.

ing in his possession, and should I have the opportunity of obtaining a sight of it, you may rest assured that I shall not forget how much deference is due to the opinion of such a Connoisseur as yourself. But altho' resident within 7 miles of the Metropolis, you will hardly believe it, my visits to it seldom if ever go beyond Buckingham, and Carlton House, and my bankers. The life of retirement which I have preferred to adopt upon principle, and the horror I have hitherto had for engaging in politics, having rendered it a rule with me never to shew my face in London, whenever I can possibly help it.—I remain, ever with high regard and esteem, my dear Lord, yours most faithfully, EDWARD."

"KENSINGTON PALACE, 27 *Novr.* 1811.

"MY DEAR LORD,—I trust your Lordship will give me credit for appreciating as I ought your favor of the 25th inst. Having ever from my earliest infancy had the good fortune of being particularly noticed by my eldest Brother, it has ever been my study thro' life to merit his friendship and his good opinion, and it would be the greatest affliction I could experience in life, to conceive that I had done anything to forfeit it. Yet since the decision of Providence has altered his situation, I have felt it an imperious duty not to intrude upon his valuable time as I might have been wont to do under other circumstances, or as my inclination would have dictated, and I am sure he will give me credit for my forbearance. But if your Lordship sees my name less in the Newspapers than those of my Brothers as attendants, either at Windsor, or on the Prince Regent, you must not from thence conclude that I am the less there, but that being out of Town—that is, either at Kensington, or my villa (which I term The Lodge) at Castle Hill, near Great Ealing, and quietly performing all my Journies on Horseback, or in a small Chair, accompanied by a single Servant in a plain drab coat; and my road being mostly a cross one, I do not render myself as conspicuous as those who

travel in a post-chaise and four, with 4 outriders, and create a grand *fracas* on leaving or returning to the Metropolis, or as they travel the great road thro' Hounslow and Staines. Your Lordship who has long known what the Public Prints are, will also forgive me for saying that I have never sought to have my name brought into notice in them, but when I felt my honor as a man and as a Soldier was at stake, and therefore you will easily make allowance for not seeing it in the same fashionable lists in which others so are fond of figuring. In regard to Politics, my line ever has been, as a dutiful son, to support my Father's Government, ever entertaining a detestation for that which many seek after—the character of a Politician; my whole mind ever having been turned to my own Profession: and I hope that the same sentiments will ever guide me with respect to the Prince that have been my guide hitherto.

"I cannot deny that there are circumstances that have long afforded me deep affliction, and that still continue to do so; but these are personal, and I have no right to intrude them on others, much less on your Lordship, who has spontaneously shewn so much friendship and regard for me. . . .

"With every sentiment of the highest consideration and regard, I remain, my dear Lord, yours most faithfully,

"EDWARD."

"KENSINGTON PALACE, 27*th Nov*r. 1819.

"MY DEAR LORD,—I have this instant received the cast of your lordship's medallion, in Bronze, which you were kind enough to commit to the care of Captain Stewart, of the "Melville," Indiaman, for me, but whom, as yet, I have not had the pleasure of seeing, owing to his having sent the Packet by a Porter, and not favored me with his address. However, should he call and leave his direction, I shall make a point of fixing a time for seeing him, and thanking him for the care he has taken of this valuable mark of your Lordship's remem-

brance of me, for which I request your Lordship's acceptance of my warmest acknowledgements.

"I shall, of course, take an early opportunity of framing it, in a proper classical manner, previous to fixing it up in my Study; and I shall not fail to add that motto which you have had the kindness to favor me with, and than which, I am sure, none can be more appropriate to the purpose. I am much flattered by the manner in which your Lordship alludes to the few words I took the liberty of adding in my last with respect to The Duchess' character, which, however, I must in justice say, is but a *very feeble* tribute for all *her* merits as a *wife* and a *mother*.

"With reference to the last paragraph in your Lordship's letter, I shall only allow myself to observe that, being *here* on the first day of the opening of the session, I felt it my duty not to shrink from giving my vote on the address which my conscience dictated; for at the same time that no one can execrate more than I do the unprincipled acts of the *soi-disant radical* reformers, no one can, on the other hand, be more adverse to raising the iron hand of power, or drawing the sword, until an effectual attempt has been made to use *prevention*, and remove the *primary* cause of the evil, by affording relief to a large starving population, and employment to the innumerable hands out of work, which, I contend, is perfectly feasible; and that the existing laws, if properly administered, are amply sufficient to put down the attempts of those who, making handle of the sufferings of the poor for their own wicked purpose, inflame their minds to sedition.[1]

[1] The allusion s to the unfortunate affair at a Manchester Reform meeting in the month of August, known as the "Peterloo Riot," where of an immense assemblage, 11 persons were killed, and about 600 wounded, in the efforts to disperse them. At the opening of Parliament an Address on the Prince Regent's speech was moved in the House of Lords, followed by "an amendment." On the division upon the latter, the Dukes of Kent and Sussex voted in the minority, as did Lord Erskine and several of his former colleagues in office. —See Hansard's *Parl. Deb.*, vol. xli. pp. 2–50.

"I am sure your Lordship will, with your usual indulgence, forgive my having said these few words, which I was anxious to do, in order that I might not forfeit any share of that good opinion which you have had the kindness particularly to entertain of me for so many years.

"With every sentiment of the most friendly regard, and with the highest consideration and esteem, I remain ever, my dear Lord, yours most faithfully, EDWARD."

. . . .

The peculiarities of Lord Buchan had become proverbial as he approached old age, it being usually easier for the many to comprehend such than to appreciate really valuable qualities. Thus the young Thomas Campbell, full of the *Pleasures of Hope*, had heard of the old peer's eccentricities, and meeting him by chance one forenoon at the house of Archibald Fletcher in Queen Street, took upon him to "quiz" the old lord; to which his lordship replied nothing: he rose, took up his hat, and hastily left the room. But if the young poet had in some degree reckoned without his host, his hostess lost no time in reckoning with him, and gave him such a lecture on the ill-breeding of insulting an old man in the house of a mutual friend, that, choking with rage, he was fain to call for a glass of cold water to cool his frenzy withal, and rushed from the house. Half a century after, this "down-setting" rang in the offender's ears as distinctly as the cannonade on Linden.[1]

For all this, the old lord, according to his wont, was ready and willing to do a service to the poet when opportunity arose.

On the 19th December 1803, Dr George Gregory, chaplain to the Bishop of Llandaff, and one of the most active of Lord Buchan's Whig correspondents, wrote to him: "My business is to lay upon your shoulders a burthen of patronage, which I think your humanity and goodness will not refuse to exercise . . . I enclose you the plan of the University of Vilna,

[1] See *Life of Thomas Campbell.*

established, as your Ldp. will see, upon a most liberal foundation, by the Emperor Alexander, under the immediate direction of my most intimate friend and quondam disciple Prince Czartorysky, now Prime Minister of Russia." "I enclose also a list of the professors' chairs now vacant, which are to be filled with capable men of any country or religion. The salary is about £300 per ann. . . . They will also have a house and other accommodations.

"The Princess Zamoyska, a beautiful and most accomplished young woman, now in London, says it is without exception the cheapest and finest country in Europe; a family may live there 'in very genteel stile' upon 50 to 100 a-year."

Thirteen chairs had to be filled. Upon this subject Mrs Fletcher, Sir John Sinclair, Macdowall of Garthland, and Baron Nicolay, corresponded with Lord Buchan. Thomas Campbell was proposed for the Chair of Natural Philosophy; it is even stated that the high post of Regent of the University was offered to him,—a singular position for one so young, and a foreigner, if it were so. How far the poet may have been induced to entertain the plan his friends had arranged for his good by the fact of Czartorysky being connected with it, does not appear. He it was who, when the poet's mind was over-agitated, even to the loss of health, by melancholy thoughts on the subject of Poland, was as a "consolatory balm" to his disturbed spirits.

The Earl of Buchan, it appears, with his usual impetuosity, addressed Prince Woronzow on the subject.[1] "He, however," says Dr Gregory in another letter of some sharpness, "has no more business with the matter than your Ldp's. gardener. . . . Besides, the jealousy entertained by the Poles of the Russians

[1] "With zeal officious, and with pompous fuss,
He boasts his forg'd commission from the Russ;
And bent on civilising POLISH bears,
Turns wholesale dealer in Professors' chairs."
—*Town Eclogue*, p. 23.

is beyond anything of which your Ldp. has any conception; and were Woronzow, or any Russian, to interfere, I apprehend they would be greatly hurt and offended."

On the 6th March 1804, Sir John Sinclair wrote to Lord Buchan from Palace Yard, Westminster, on this matter, regarding which there seems to be no mention in the *Life* of the poet. "I really grudge sending such talents as Mr Thomas Campbell (*sic*)—and *in a manner banishing them*—out of his native country."

Suddenly, however, a stop was put to the whole of these proceedings, probably through a dread of Liberal principles being introduced along with foreign science. Thus the young Scottish poet is saved from what must otherwise have been but a hazardous experiment.

There were many who believed that the Earl of Buchan had naturally abilities of a higher order than those possessed by either of his brothers. This was the opinion of Sir Walter Scott, who thought that, had a necessity existed for his using these powers systematically—had, for instance, the diplomatic career opened for him by Lord Chatham been adhered to—he might have outshone either in brilliancy of genius; but not being a younger son, the force necessary to make him persevere in what he undertook was never exerted.

The descriptions of Lord Buchan in his old age that are extant are on the whole not unkindly. John Gibson Lockhart thus speaks of the old man: "His lordship came into the room with quick and hurried step, which one would not have expected from the venerable appearance of his white hairs—the finest white hairs, by the way, I ever saw, and curling in ringlets all down his shoulders. I could easily trace a strong family resemblance to his brother, although the Earl has much the advantage in so far as mere beauty of lineament is concerned. I do not remember to have seen a more exquisite old head, and think it is no wonder that so many portraits have

been painted of him. . . . The features are all perfect, but the greatest beauty is in the clear blue eyes, which are chased in his head in a way that might teach something to the best sculptor in the world. Neither is there any want of expression in these fine features, although indeed they are very far from conveying anything like the same ideas of power and penetration which fall from the overhanging shaggy eyebrows of his brother" [Lord Erskine].[1]

This is believed to be a faithful portrait of the old Lord whose restless activity was a constant marvel to the last generation, as his figure was familiar, usually with his favourite volume, Gassendi's life of "the fantastic Peiresc," in his hand, or in his pocket for ready reference.[2]

The image of the old Earl is still affectionately recalled by some who knew him well. An old lady, for example, takes pleasure in remembering how his lordship in his intense worship of the Beautiful would select for special adoration the prettiest young lady of his "set," to whom "the terrible old flirt" would say on rising to take leave, with hat pressed against his kind old heart,—"Good-bye, my dear, and pray remember, Margaret, Countess of Buchan, *is not immortal.*"

[1] *Peter's Letters to his Kinsfolk.*

[2] Mr David Laing never ceased to regret that the Earl's correspondence was not secured for some public library. For many years he had interested himself in the establishment of what he termed his *Commercium Epistolicum Literarium*, or, Depôt of Correspondence. It was his habit to send in from Dryburgh selections of his papers to the care of his friend, Dr Robert Anderson at Heriot's Green, to be preserved for the good of posterity, or for publication. There were some 1635 letters in all; including 54 from the Royal Family; 87 from Lord Erskine; 106 from Washington, Benj. Franklin, and other Americans, &c. &c. Mr Laing was asked to value these papers, after they had lain long at the Advocates' Library. They were not purchased, however, as he had hoped. Ultimately he bought them himself at the price he had named: he kept such of the letters as he had need of for his literary work, and sold the rest, for the same sum, to Mr Upcott, the well-known London collector. From him many of the letters passed to the late Mr Dawson Turner, whose treasures were dispersed about 1852. Two ponderous volumes of these have since been recovered by the Erskine family. Several of the letters have found their way to the British Museum.

With half-shut eyes and the smile of genial retrospection on his face, a contemporary of Lord Buchan's is wont to say —"I mind the auld Earl weel. I think I see him trottin' doun to Johnnie Ballantyne's shop in Hanover Street wi' his plaid across his shouthers. Eh,—it *was* an auld plaid yon, —naebody could tell the tartan!"

How is it that we rarely see now, except in the very old men who survive, such faces as appear in the pictures of gentlemen of a bygone generation—such features, for example, as are seen in the portraits in this book?

CHAPTER XIX.

THE REGENT AND HIS FRIENDS—HOPES OF PROMOTION—DISAPPOINTMENT—LETTERS TO DAVID CATHCART—LORD MOIRA'S FAREWELL—LADY GLENCAIRN AND LORD NELSON — HER LETTER TO MR PERCEVAL—MR ERSKINE AT AMMONDELL—HIS SON'S DESCRIPTION—A PICTURE — EPIGRAMS, ETC. — HENRY DAVID, TWELFTH EARL — COLONEL ERSKINE—RENEWED HOPES—THE END.

THE collapse of the "Talents," at the best a strangely composite body, and their subsequent inability to right themselves, or pull together, were undoubtedly felt as a relief by the Prince of Wales. He had disagreed with Lords Grey and Grenville; and his confidence in his former friends had faded considerably in consequence of the neglect he considered he had suffered at their hands. They were difficult to convince of this. Not even the famous manifesto addressed to Lord Moira was sufficient to warn the followers of the Prince of the treatment that awaited them. In this letter he announced that since the death of Fox, that friend in whom his attachment had been unbounded, he was "no longer a *party-man;* although — in alliance with Fox — it had been his pride to avow himself to be such." By degrees the truth dawned upon his adherents that the Prince had changed his opinions, and that he would in all probability change his friends. It is not necessary to follow the very complicated intrigues[1] which ensued, in which the only certainty was the

[1] These are given in minute detail in Mr Percy Fitzgerald's *Life of George IV.*, recently published.

Prince's determination to be independent of the control he had begun to throw off after the death of Fox. If this could have been effected by the Prince, become Regent, without leading his former friends into illusion, there would have been less to complain of. Mr Adam and Lord Moira still remained his councillors, and trusty retainers, though the time came when even his lordship, as others had done, felt that his long and devoted services had been recompensed with something like disgrace.

On one memorable occasion, for example, Lord Moira's failure to form a Ministry during these negotiations was mainly attributable to his refusal to require of the Prince that he should dismiss the officers of his household,—though the result was that he got little thanks for his devotion to what he believed to be his master's feelings. In the end Lord Moira, "over whom the Regent had wept," was dismissed: although the Garter had been offered and accepted, slight upon slight followed towards himself and his family.

It was not to be expected that Lord Erskine or his brother should fare better. The correspondence of Mr Erskine at this period is almost exclusively upon this subject.

It is believed that one or two of the letters will be sufficient to show the feeling in Mr Erskine's mind with regard to the treatment he received when the opportunity had arisen for conferring the reward his long and faithful services to his party had rendered only his due. The fact that he did not receive the promotion he had been led to expect, was probably less keenly felt than the consciousness that he had been unfairly dealt with by those in whom he had trusted.

Mr Adam to Mr Erskine.

[1811.]

"My dear H.,—It is quite impossible for me to write at the length I intended to-day. But it will be suff^t. for the

purpose to say that I have had a very full conversation with the Prince upon the state of the Scotch Bench and Bar—that I have represented what the judgment of the publick establishes, that the men of ability and legal knowledge are all on our side of the question. That you are at the head of them, that having been twice L^d. Adv^te.^ the choice ought to be the result of proffess^l.^ superiority, not of personal favour. I left him fully master of the subject in all its aspects, and endeavoured to impress him with a conviction that by adopting what he had authorised me to communicate to the Chan^r.^ was the only means of getting Scotch judicature into a train by which there w^d.^ be success^n.^ of fit and able men to fill the stations.

"He has the difficultys belonging to his st^n.^ with his advisers. The best has been done to relieve from that in the most distinct and open manner. The effect, however, cannot yet be calculated, and therefore there is no room for more sanguine views than those I gave you on Thursday—except that he is as much master now of the details as you or I—and I am ready to be openly reffer'd to, and to avow my advice. Shew this to Clerk, but keep the whole *very* strictly within y^r.^ own circle.—Yours ever, W. ADAM."

What Mr Adam refers to was the proposed succession of Mr Erskine to the office of Lord President of the Court of Session, vacant by the death of President Blair.

"BLV. SQ., *May* 23*d*, 1811.

"MY D^R.^ H^V.^—I have hardly time to do more than refer to what Gibson will have written to say that the Chan^r.^ has just left me, and I have communicated the Prince's wishes to him that you sh^d.^ succeed to the Presid^t's.^ chair. He rec^d.^ it w^t.^ great candour, and w^h.^ an unqualified declaration that fitness, not politics, sh^d.^ be the rule. Ld. Moira, Ld. Dundas, and Ld. Keithe, were all of opinion that this was the course to

take—*valeat quantum.* Mr P. was most kind about you, and seriously wishes it.—Yours ever, W. ADAM."

Again, on June 6th 1811 he wrote: "I have explained everything minutely. He knows the state of the Scotch Bar as well as I do, and that the talent is all in our quarter. So that your app^t. is founded in *fitness*, not *politics*. I have s^d. I will not answer for his not being circumvented and defeated, but I am sure of his good intentions and of my watchfulness."

On the 16th October Lord Erskine wrote to the Earl of Buchan: ". . . I wish I could give you satisfaction on the subject of the President's chair! I am wholly ignorant of what is transacting in the political world.[1] But all report is unfavourable to what we wish. Indeed, whilst the Administration remains unchanged, the patronage is but too likely to be theirs. Something certainly must be done soon, as the term of business fast approaches. I have been paying my annual visit at Portsmouth, and am staying two or three days with Lord Keith in its neighbourhood; and shall return to town next week. If I hear anything further on the interesting subject of Harry, I shall not fail to let you know."

Two letters of Lord Moira to Mr Erskine, dated respectively the 21st July and 16th October, are remarkable for the straightforward honesty of their tone as he describes some of the complications which had operated adversely to his friend's just claims; as well as in his reference to the appointment, which in the meantime had taken place, of Charles Hope to the post of President "to which he had no wish." Lord Moira writes: "Yesterday's post brought to me, by the Prince's command, the account of the arrangements in the Court of Session. His having caused this to be communicated to me, instead of writing himself, gives me an exact measurement of his feelings.

[1] *Endorsement by Lord Buchan:* "Does not seem to go to Carleton House meetings."

"You know my attachment to Charles Hope. You also know how much Boyle[1] is connected with Lady Loudoun, and how sincerely I like him. It is thence necessary for me to say that I had no part in counselling this arrangement, nor did I know a tittle of it till I received the annunciation yesterday."

There is a small group of letters addressed to his intimate friend, David Cathcart, which shows too clearly the combined effect of hope deferred and ill health upon Mr Erskine's sensitive nature. One or two of these only are given:—

Mr Erskine to Mr David Cathcart.[2]

"HARROW-GATE, *Octr.* 30, 1811.

"MY DEAREST FRIEND,—The state of mind in which I left Scotland, joined to the complete ignorance in which I was as to the cause of all those events which you so justly characterise, made me go without writing to you. My object here was my daughter's health; but I had resolv'd to go on to London to be fully apprised of everything, and to take my resolutions accordingly. One of them is, in every event finally taken, never again to stand at the Scots Bar. I trust you will be reliev'd from that odious situation by the application in your favor being successfull, tho', after what has happen'd, I confess I speak more from my wishes than my hopes. Having yielded to the appointment of Boyle, and Ministers having had the audacity to press that measure, what is to be expected of any signification of the Prince's will? He has signified to me that the late arrangement was yielded to, not from any abatement of his regard for me, or of the high opinion he entertains

[1] David Boyle of Shewalton had been at the same time made Justice-Clerk.

[2] David Cathcart of Alloway was promoted to the Bench, as Lord Alloway, in June 1813, in succession to Sir William Honeyman, Bart. He died at his seat of Blairston in 1829. Lord Cockburn gives an estimate of his professional character in his *Memorials*.

of me, and that when he has an opportunity he will *himself* explain the whole. I think it right to give him such opportunity. In so far as *my* interest is concerned, perhaps the explanation may be such as the world may think should satisfy me. But *I* am less concerned for myself than for the country and our friends: I have no ingenuity sufficient to fancy any excuse that should satisfy them.

"Adam seems to think that with his conduct I am satisfied. A good deal more must be explained before this will be the case. I shall be happy if he can completely justify himself. Write me all that occurs, address'd, under cover to my brother Erskine, Lower Grosvenor Street.—Believe me, my dearest friend in every situation, ever most faithfully yours,

"H. E."

It is only justice to add, that the after-correspondence between Mr Erskine and Mr Adam shows that any cause of complaint which the former believed he had, must have been removed; there is evidence of a continuance of the same affectionate intercourse as heretofore.

After his arrival in London he wrote to Cathcart:—

"My brother views things in the most gloomy light. None of our friends see the Prince in private: perhaps I may except Adam, who has official, and business, access of course.

"Tho', *entre nous*, nothing shall ever take me back to the Bar, yet 'tis best to have it understood for the present that I am only *absent* on account of my family's health."

"6 STRATTON STREET, PICCAY.,
LONDON, *Nov.* 28, 1811.

"MY DEAR FRIEND,—After bleeding, blistering, and physicing, and lying a-bed till I could scarcely walk across the room, I am at last myself again and able to take a pen. The first use I make of it is to write to you; yet I hardly know what to say. The very day after I was taken ill I was to have been with the Prince, by his own desire. Had I remained

well I should not have seen him, for that very day he met with the accident which has ever since confined him to the Duke of York's house in the country. The casualty was little in itself, but the Prince's state of body made it for some time put on very alarming appearances. The quantities of laudanum it was necessary to give him have disordered him so much that I do not think he can come to town for a week at the least.

"What will be the issue of all, I can form no conjecture,—a short time will show. Of the unaltered state of the Regent's regard towards me I have no doubt, and, so far as I am individually concern'd, I am convinc'd his intentions are good. I do believe that, without resorting to a change, he could not have driven the point, which I believe he had earnestly in view. His error was the original one of ever keeping those Ministers for a single moment; and I know (but let this be a *dead secret* from every one) that, but for the conduct of our friends, they could not have kept their places. . . . I have no doubt the object of the present Ministry will be to get the Prince to make offers to Opposition apparently reasonable, but such as they will probably refuse, and thus to hold out to the country an apology for deserting his old friends.

"While I write this, I have yours. Necessity, not choice, led Ministers to our side of the Bar. They prepar'd Gillies, that it might appear their own doing. Had the Prince recommended Gillies, they would have chosen you. I am clear with you that, should a change take place, I will resume my former situation, should it only be for a day. A change will probably (if it does take place) precede the removal of the restrictions.[1]

"Should the change be a right one, the Court of Revision would undoubtedly take place, and you need not doubt that the chair of that Court would be my object beyond all others. That you will have the next gown, in all events, I have not

[1] Limits to the Regent's powers; opposed by Lord Erskine.

the least doubt. In that event, we should be able to form a respectable Bench; as the Court now stands, the plan would be impracticable.—Ever your's most truly, H. E."

"LONDON, *March 22d*, 1812.

"MY DEAR CATHCART,—Thank God the time fast approaches when I shall again have the pleasure of embracing you. This expectation, which a fortnight at farthest will realise, prevails on me to reserve all I could say on the present astonishing period. Only this, on Tuesday last, I had a long interview with the Regent. I do not find that to any one of our friends he has been so communicative as to myself, not merely on my own matter, but on every point. I shall astonish you when I come to detail it. I am confident the present system cannot last, but I doubt if this unfortunate country will last as long. —Ever truly yours, HENRY ERSKINE."

Mr Erskine used to recall an incident that struck him at the time as very characteristic of the underhand scheming which was so rife at this period. One morning he met —— at the Parliament House, and asked if he had any news from London. "Excellent," was the reply; "we shall all be sent for in a short time," and the speaker threw down a letter for Mr Erskine to read: but two letters, received that morning, had been misplaced in their franked covers. Mr Erskine reading the one *not* intended for his perusal, came upon the expression, "We must at any rate *get rid of the Erskines*,"—when he discovered the mistake. Yet this—writes his son—was one of the political friends, whom, rather than leave, Henry Erskine had refused the high preferment pressed upon him in 1804.

It is not necessary, nor indeed desirable, that the opinions of his own family upon the subject of Mr Erskine's treatment at this time should be further enlarged upon. It is unquestionable that this, as much as his failing health, was the

cause of his retirement from public life, at a time when he was still fit, by his clear intellect and mature judgment, to be of much use to his fellow-countrymen. The feeling that Mr Erskine had been dealt with unworthily was not confined to members of his family. There was a strong sentiment of indignation amongst the many to whom he had endeared himself by his gentleness and unselfish conduct, which, though it could not find a full expression at the time, was not altogether suffered to be silent.

For example, before many days had gone by after Mr Erskine's death, Francis Jeffrey, his friend, in the warm words of regret which he wrote regarding his early patron, could not withhold a quaintly-phrased sentence on this matter. Thus he has written: "Baffled in some of his pursuits, and not quite handsomely disappointed of some of the honours to which his claim was universally admitted, he never allowed the least shade of discontent to rest upon his mind, nor the least drop of bitterness to mingle with his blood."

So strong was this feeling amongst those of his time who had opportunity of judging, that even so late as the summer of 1870, a well-known and aged member of the Bar, now passed away, wrote in this wise to one of the Erskine family: "He [Mr Erskine] was a very ill-used man *by his own friends*, as I have access to know. . . . As you would not probably be aware of the way in which the Hon. Henry Erskine was treated by his *Whig* friends, I shall have the pleasure at some future period of detailing the facts." It is hardly worthy of regret that the opportunity for reviving these matters never occurred; although in any sketch of the great lawyer's life, it is impossible to pass them by unnoticed.

As has been said, the time came when Lord Moira, the faithful servant of the Prince, also found himself among the disappointed and slighted. There is, it is understood, no biography of the great Marquis of Hastings worthy of the subject; the following letter may therefore be read with interest, as

showing the nature of the new Governor-General's thoughts during the weary months upon the sea, before reaching the scene of his future triumphs:—

Lord Moira to Mr Erskine.

"LONDON, *Novr.* 20*th*, 1812.

"MY DEAR SIR,— . . . Thank you for those congratulations which you have offered on the supposition that my Appointment must be very pleasing to me. Twenty-seven years ago I declined this very union of the Civil and Military powers in me, so that it is not Barbaric State and gold that tempt me, 'I flee from the wrath to come.' There are evil days approaching fast, involving circumstances that would entail uncommon difficulties upon me. In an hour of trouble I should not be left in retreat. How am I to support where any interference in the System would disgrace me? How am I to arraign where every pledge of fidelity would reproach me for criminating? Take it even short of this, and see how awkward is my political situation. With the present Ministers, I must, indeed, now have partial intercourse. But I could not enter into their views; and I could never have alliance with the individuals who guide them thro' an absolute sway over the Prince's mind. From the Opposition I am wholly divorced. When I wished to frame an Administration with Lord Grey and Lord Grenville, the negociation broke off upon a particular point, but it left us in unison upon all great political questions, and no sourness attended our difference of opinion on the article which occasioned the failure of the treaty. An accidental sparring took place in debate, yet that was immediately set right, and every disposition to cordiality continued. The Rank and File of the Party, however, did not feel like their Leaders. They had not even the policy to perceive that their interests advised the keeping firm between them and the Prince such a link as my peculiar situation

afforded: and I speedily detected their virulence in many shapes. At length their Manifesto appeared in your 'Edinburgh Review.' I had to regard it, of course, as a frank avowal of the dispositions of the Whig Party towards me; and I necessarily adopted the resolution of considering all political co-operation or intercourse with that Party as buried for ever. Standing thus insulated, it is better that I should be for three or four years out of the way. If the country do not fall into serious mischief, I shall, on my return, find myself extricated from all implications, and shall have a valid excuse to retire and enjoy myself in private. On that plan I hope for your drinking a drop of whisky yet with me at Loudoun Castle.—Faithfully yours, MOIRA."

About the year 1812 Lady Glencairn took renewed steps to recover certain sums of money which she claimed as owing by the Government to her first husband, Mr Leslie Hamilton, for expenses incurred in procuring and transmitting important information during the war, while he held offices of trust in the Leeward Islands. It was estimated that Mr Hamilton had expended as much as £15,000 on this service,—a sum which would have been very acceptable to Lady Glencairn at this juncture.

The good Mr Wilberforce had undertaken to bring the claims of Lady Glencairn before Parliament. In a letter addressed to Mr Erskine, he states his intention to "take up Lady Glencairn in good earnest." He did so, but met with no encouragement from Mr Perceval.

Mr Wilberforce, however, appears to have been not a little vexed, as were many of her friends, at the step taken by her ladyship—her patience exhausted—of causing to be printed and distributed amongst members of Parliament a letter[1]

[1] The title of this remarkable production leaves no doubt as to her ladyship's meaning—'A LETTER TO THE RT. HON. SPENCER PERCEVAL, *Chancellor of the Exchequer*, . . . *and* AN APPEAL *to the* BRITISH NATION *on the most wanton*

addressed in no very mild terms to Mr Perceval. It is written "with intention" not the most amiable—the brothers of the writer being carefully excluded from all responsibility for it—and describes an interview at Mollard's hotel, Dover Street, in September 1805, between herself, Admiral Keates, and Lord Nelson—a few days before his last departure from England; when, with regard to her claims, Lord Nelson remarked that it was "both impolitic and unjust" on the part of Government to refuse them. "Had I," he said, "in my late pursuit of the combined fleet, received on my arrival in the West Indies such information as Mr Hamilton was in the habit of obtaining and transmitting to commanders on that station, that fleet should have been now at Spithead."

It appears that the ship in which Mr Hamilton's vouchers for his expenditure were being sent home was lost. Lady Glencairn was therefore forced to look for support to Lord Nelson and others, who could speak as to the value of Mr Hamilton's services. Her ladyship finding her claims refused, takes care to reproduce in her printed letter, for the benefit of the nation, Mr Perceval's reply to her: "I am sorry to find, Lady Glencairn, that you rest so much on the force of Lord Nelson's opinion: with me you could offer no name of less weight. I never thought of the late Lord Nelson's services as the world has. I consider his death was the salvation of the country, since, had he lived, he, in one way or other, would have ruined the nation and emptied the Treasury."

Lady Glencairn likewise reminds Mr Perceval—and informs the public—how, on their meeting as guests at Brunswick House, Blackheath, at the table of her Royal Highness, he had accosted her with the inquiry if she frequently saw her brother at Hampstead, adding,—"The late Mr Burke used to

and invidious aspersion made by him, in his Ministerial capacity, of the character of the late, ever to be lamented, LORD NELSON.' By Isabella, Countess of Glencairn. Bristol, 1812: 4to, pp. 30.

say 'Mr Erskine should be confined to that spot, for there he could cut down and pull up by the root what he disapproved without destroying the Constitution.'"

"The danger of such a disposition," her ladyship had replied, "might have been felt during the life of Mr Burke, but could cause no alarm in *your* day, who by so much talent have placed the Constitution above the liability to fall."

Need it be said, all this did little good to poor Lady Glencairn? She went abroad, and in 1824 died at Bordeaux.

Mr Erskine's position in his profession being such as has been described, and his health anything but good, he came without much difficulty to the resolution of retiring from further labour to his own charming country-house. Bad health had made him appear an older man than his years would warrant—and it was as an old man, and enfeebled, that the profession lost sight of him.

It was acknowledged by persons of every class and shade of opinion that when Mr Erskine thus withdrew into comparative retirement, "neglected, but not forgotten," it was a loss of no common kind which society, the legal profession,[1] and public life sustained. Especially was this noticeable, seeing that this was a time in the history of Edinburgh, as competent witnesses have testified, when perfect purity of life and guileless thought like Henry Erskine's stood out conspicuous amidst much that not even high literary culture could gloss over.

His mind was still as clear and active as it had been at any time, and it was with delight that he was enabled now to devote much of his thought to the pursuits which had ever

[1] As time ran on, and his figure at the Bar became a memory, the description given of the eloquence of the Roman orator Hortensius by his great rival used to be quoted as peculiarly applicable to Mr Erskine: "Erat in verborum splendore elegans, compositione aptus, facultate copiosus,—nec præter mittebat fere quicquam, quod erat in causa—vox canora et suavis."—*November Twelfth.*

had the greatest attractions for him, but which absorbing engagements of a busy life had, till now, forbidden his entering upon.

Even in his youth he had been wont to babble of green fields and the delights of a country life. In prose and verse he had been accustomed to discourse on this theme with much gusto. Usually, in his young days, his verse had fallen into the idyllic and classic form—shaggy rocks, lowing oxen, and piping shepherds filling a large part of the picture; but in all the scenes, rural and domestic, his poetic fancy would call up, the chiefest charm lay in the thought of an ideal felicity being shared by a partner like-minded with himself.

Thus would he sing while as yet he had neither wife, nor a house that he could call his own—

> "Safe from the storm we stir the cheerful blaze,
> With friends we join in sprightly converse sweet;
> And sure her accents must for ever please,
> Where lively fancy, sense, and softness meet.
> Nor yet forget we what the wretch endures
> Who wanders, drenched by rain and chilled by wind;
> *Amanda* opes her hospitable doors—
> Her hand is liberal, and her heart is kind."

For many years he and his *Amanda*, to whom these lines, and many more to a similar effect, are addressed, enjoyed the brief intervals of country life snatched from the occupations of a career of activity. But it was only now, when the poetic fire of youth had long been burnt out, that the opportunity for realising some of those dreams of his early days was afforded to him; and though it was not the Amanda, whose beauteous form and gentle nature had at first inspired these flights of fancy, that now shared in the fulfilment of them, there is no doubt that Mr Erskine enjoyed to the full that sympathy which formed so large a part of his ideal of a perfect country life. His lines, written at this time, are the complement of his youthful thoughts, and very graphically

show that he enjoyed in his latest years companionship such as he had dreamt of:—

"Let sparks and topers o'er their bottles sit,
Toss bumpers down, and fancy laughter wit;
Let cautious plodders o'er their ledger pore,
Note down each farthing gain'd, and wish it more;
Let lawyers dream of wigs, poets of fame,
Scholars look learn'd, and senators declaim;
Let soldiers stand, like targets in the fray,
Their lives just worth their thirteenpence a-day.
Give me a nook in some secluded spot
Which business shuns, and din approaches not;
Some snug retreat, where I may never know
What monarch reigns, what ministers bestow,
A book—my slippers—and a field to stroll in—
My garden seat—an elbow-chair to loll in—
Sunshine when wanted—shade—when shade invites—
With pleasant country sounds, and smells, and sights,
And now and then a glass of generous wine
Shared with a chatty friend of 'auld lang syne;'
And one companion more, for ever nigh,
To sympathise in all that passes by,
To journey with me in the path of life,
And share its pleasures, and divide its strife.
These simple joys,—*Eugenius*,—let me find,
And I'll ne'er cast a lingering look behind."

Lord Buchan has described very quaintly his father's life at this time, and some of the troubles as well as the delights apt to befall a country gentleman new to such pursuits, and with little practical experience of rural matters. "All who saw my father when his prospects were suddenly obscured and his public life arrested, spoke of the delightful sweetness and equanimity with which he bore all his disappointments, and, turning all his thoughts to his country place, made himself pleasant occupation in planting and building; enlarging the small cottage into a large mansion-house; throwing over the Almond a bridge, designed by Nasmyth, with the taste of a true artist; and studying and cultivating flowers, which were to him a great amusement. He had a delight in embellishing

his grounds, but professed ever to follow Nature's lead,—not dictate. 'I like to wash her face,' he used to say, 'and make her presentable, but not trick her out in ornament.' When Mrs Fletcher admired the pretty effect of a turn in the path they were walking on towards Eliston, he said, 'That is *the milk-maid's* path—I interfere with what I find as little as possible.' When White, the landscape-gardener, came to Ammondell, and advised him to fill up the small ravine where a stream falls into the Almond, telling him it would only cost about £300, he said, 'I would rather give £300 to make it, if it were not there,'—and he was right; for, now the trees he planted on the sides are grown up, it makes a very pretty walk. The paths he made by the river-side were several miles in length. He was taken in once by a travelling gardener selling the seeds of what he said was a *pink* laburnum-tree at a guinea a packet. My father got Lord Meadowbank also to plant some; they all came up, as might be expected, the common yellow sort.

"But whatever taste my father had in laying out grounds, he certainly had the oddest ideas possible of building a house. He made his residence at Ammondell consist at last of two houses, connected by an inconvenient sort of gallery; the access to the best rooms was through a long narrow passage; he hollowed away the ground to make offices under the old house, so that it cracked all the way up one side; he made those under the new house dark and damp; the roof would not keep out water, the foundations would not let it get away; his ice-house had a southern aspect; his coal-cellars had trap-doors under the front windows. Lady Minto persuaded him to adopt a new sort of roofing just invented—paper covered with pitch: whenever any flaw occurred, which was as often as there came extreme heat, or frost, or heavy rain, the laundry-maid had to be sent up with a hot iron to iron the peccant places in the roof, which was then supposed to be as good as ever; perhaps it was, but it was never very good. Moreover,

my father thought it economical to build with his own timber, and some of this having been used green, shrank so much that the cupola of the entrance-hall gave way, and nearly fell in. As Burns once said to me,—'I think your father and mine were the worst architects in Scotland;' and really this was not far from the truth."

Who has not heard the threadbare story of Mr Erskine at this time, how he said to a friend who found him spade in hand in the midst of a potato-field, and inquired how he got on in his new line of life, that he was happy in the enjoyment of "*otium cum diggin-a-tate*"? It is one of the many stories which have been told of Harry Erskine at Ammondell, and of Lord Erskine at Buchan Hill; the narrator, as is usual in such cases, being positive that the facts were as he was relating them.[1]

A portrait of Henry Erskine in his last years has been drawn with much feeling by one who knew him intimately and cherished a lively recollection of the kind and genial old man, by this time much weakened by failing health, and many and various vexations.

"The mail-coach," says the writer, "used to set me down at Ammondell gate, which is about three-quarters of a mile from the house, and yet I see as vividly as I at this moment see the landscape from the window at which I am now writing, the features of that beautiful and secluded domain —the antique stone bridge—the rushing stream, the wooded

[1] It is noticeable with regard to the location of this morsel of anecdote, that the pronunciation of the Latin would suit the point of the joke equally well in England as in Scotland, at that period. A straw would turn the balance. Perhaps the straw may be found in the following fact. The Rev. Mr Walker of Monymusk, the biographer of Bishops Jolly and Gleig, was assured by the late Colonel F—— "that it was quite common in his younger days in Scotland to insert a vowel between the *g* and *n* in the pronunciation of such a word as *dignitas*. Hence, he said, Lord Erskine's remark to a friend, so often quoted, had more point to a Scotchman of those days than it has to the present generation, the phrase being pronounced *otium cum diggin-a-tate*."—See *Life of Bishop Jolly*, p. 169.

banks—and, above all, the owner coming towards me with his own benevolent smile and sparkling eyes. I recollect the very grey hat he used to wear, with a bit of the rim torn, and the pepper-and-salt short coat, and the white neck-cloth sprinkled with snuff. No one could or ever did tire in Mr Erskine's company. He was society equally for the child and for the grown man. He would first take me to see his garden, then to his melon-bed, which he never left without a promise of having one after dinner; and then he would carry me to see the pony and the great dog upon which his grandson used to ride. Like most men of elegant and cultivated minds, Mr Erskine was an amateur in music, and himself no indifferent performer on the violin. I think I scarcely ever entered the hall along with him that he did not take down his Cremona—a real one, I believe—which hung on the wall, and seating himself on one of the wooden chairs, play some snatches of old English or Scottish airs. Sometimes 'Let's have a Dance upon the Heath,'—an air from the music in Macbeth, which he used to say was by Purcell and not by Locke, to whom it has usually been ascribed; sometimes 'The Flowers of the Forest,' or 'Auld Robin Gray;' and sometimes the beautiful Pastorale from the Eighth Concerto of Corelli, for whose music he had an enthusiastic admiration. But the greatest treat to me was when, after dinner, he took down from the the top of his bookcase, where it lay behind a bust, I think of Mr Fox, his manuscript book, full of *jeux d'esprit*, charades, *bon-mots*, &c., all his own composition."

The volume in question in all probability, or a transcript from it, partly corrected by Mr Erskine's own hand, is now, very properly—as has been said—in the library of the Faculty of Advocates. It contains, besides some of the larger pieces which have been mentioned, many of the little bits of verse in epigrammatic form, for which he and Lord Erskine were famous. Several, however, of Mr Erskine's verses of this description are not included in that volume, showing

the difficulty of collecting such things when they have become scattered. In the case of Henry Erskine's they, more usually than in Lord Erskine's, take a classical form. One or two specimens[1] are given:—

"That prattling *Chloe* fibs, forsooth,
Demure and silent *Cynthia* cries,
But falsely—for can ought but truth
Flow from a tongue that *never lies?*"

The Fable of ACTÆON *explained; to a Gentleman too much addicted to Hunting.*

"Flush'd by her brother's sultry beam
Chaste *Dian* sought the cooling stream,
Which, through her consecrated wood,
In silence led its limpid flood,
And, where it form'd a shady pool,
Her fervent limbs she stayed to cool;
Thither by chance *Actæon* borne
Follow'd the chace with hound and horn;
Drawn by the soul-enchanting view,
He stopp'd, and gazed, and nearer drew
(Who can resist the force of Love?)
He dared approach the sacred grove.
With shame and rage the Goddess knew
Her charms exposed to mortal view;
Beyond her reach her quiver hung,
At distance lay her bow unstrung.
What shall she do? In haste she throws
Some magic drops;—a stag he grows;
From his own pack he vainly flies,
Falls, bleeds, raves, bites the ground, and dies.

Now lest the moral you should miss,
'Tis neither more nor less than this,—
Actæon was a jolly squire,
That stinted not his heart's desire,

[1] Mr Erskine's rendering of certain of the old Latin mottoes over the doors in St Mary's Wynd and the Cowgate were extremely witty, but hardly such as may be repeated here. The following, however, may. A certain Mr Lawes, an acquaintance of the family, whom he bored a good deal with his tiresome talk, died. When the news came out to Ammondell his grand-daughters said, "What shall be his epitaph?"—"*Laus deo,*" answered Mr Erskine.

Which ran, like your's, on hounds and horses,
And other such expensive courses;
Until, beyond his fortune's bounds
Keeping his horses and his hounds,
(Remark, and shun his sad disaster,)
The pack at last eat up their master."

EPIGRAM.

"When poets sing how often Love
Laid down his godhead for his love;
How, gliding in a golden shower,
He stole to *Danæ's* guarded bower;
How, figured like a snow-white swan,
He gained a nymph too shy for man;
Or how, a bull to Crete's fair plain,
He bore triumphant o'er the main
The princely maid in days of yore,
That gave her name to Europe's shore.
We moderns think it wondrous odd
To read such changes of a god.
And yet that mortal makes the same
That wooes a modern high-bred dame,
For, to a wife for interest sold
A husband's but a shower of gold.
Slave to her folly, or abuse,
He's made—if not a *swan*—a *goose*."

Upon the report that Mr Yorke, who had moved that strangers should be excluded during the examination of evidence concerning the Expedition to the Scheldt, was to be created Lord Dover:—

"Since *Yorke's* made a peer by the title of *Dover*
All fears of invasion must surely be over;
When *he* guards our coasts it may well be concluded,
We shall always be sure to have strangers excluded."

Miss Grace Baillie, one of the same handsome family as the "bonny Lesley Baillie" immortalised by Burns, shared, with many another, in Mr Erskine's admiration. He used to call her *the Provost*—that is to say, "the chief of all the *Baillies*." The young lady—so the gossip ran—might have

been the head of all the Montgomeries as well, but for a humour over-exacting in the matter of personal devotion. At a riding-party the young lady happened to drop her whip; several of the cavaliers dismounted to pick it up, but not, unfortunately for future amity, the nobleman who—the lady considered—should have been the first to offer the service.

It was on the occasion of Miss Baillie being recommended to apply a wedding-ring as a cure for a sty, that Henry Erskine repeated the lines—

> "Can yonder cloud that envious shades
> With mantle dark the solar ray,
> Obscure the glorious orb, or cause
> Aught but a softer gleam of day?
>
> Throw then away the glittering charm
> Which superstitious fools commend:
> Gold can thine eyes no keener arm,
> Nor their resistless sway extend."

Mr Erskine in his retirement had much delight in the society of his children. His eldest son Henry David, afterwards twelfth Earl, who has been so frequently mentioned in the course of this narrative, was especially valuable to him, and a source of much comfort in his later years. The "young Harry," as has been stated, was in his youth of an exceedingly delicate frame, which, as he advanced in age, was associated with a temperament sensitive, kindly, and gentle: this was the opinion of those who knew him best, and could appreciate his tender and fascinating ways. His father used to say that in Henry David, his son, were to be found many of the qualities of "a hero of romance."

Charles Kirkpatrick Sharpe has given[1] what has been recognised as a correct sketch of the Earl of Buchan as a young man: "I have painted a copy of young Harry Erskine's picture, done by Watson, in oils. Lord Buchan lent it me, and hath since introduced me to the original himself, with whom he wishes me to be intimate. He is a very captivating

[1] *Etchings and Memoir*, p. 13.

young man, with much of the family quickness, more of its singularity, and (though not so handsome as his picture) of an appearance wonderfully superior to the common run of rusticks in this untitled, lawyer-ridden, and deserted city."

He is also spoken of by Archibald Constable as the companion of many of the men prominent in Edinburgh artistic society about the same period.[1]

It is not always an advantage to be the immediate successor of a famous man. Many persons with whom the young Earl was in close intimacy knew that there were many fine points in which he closely resembled his father. In one point, also, which has been indicated as characteristic of Mr Erskine (and it has not been attempted to show him as faultless in this story), his son it is thought shared to some extent—namely, an intense unwillingness to cause pain or disappointment,—in effect, to give a negative with sufficient decision to prevent the thought in the minds of expectants that the fruit did not always follow the blossom. Lady Mary Wortley Montague's description of a very great man in her day has been thought to bear no little resemblance to Mr Erskine, and to his son, in some of the kindly points indicated:—

> "The pleasant neighbour and the worthy friend,
> The generous master of a private house,
> The tender father, and indulgent spouse,
> The hardest censor at the worst believed
> His temper was too easily deceived
> (A consequential ill good-nature draws,
> A bad effect, but from a noble cause)."

There are still many who recall with pleasure the quaint humour of Lord Buchan, as well as his marvellously sweet and sympathetic nature. These gentle traits, Mr Thackeray, amongst many others, understood and appreciated. Often would he, with a genial smile, take out his pencil and make note of some of the droll stories with which the Earl's memory was stored, several of which are recorded in this

[1] *Correspondence*, i. 104.

volume.[1] The gentle and lovable nature spoken of, was not, however, well calculated to encounter the troubles which the Earl inherited on his father's death; mismanagement, and a "temper too easily deceived," having done their worst for what should have been a splendid estate.

Mr Erskine's younger son, George, an officer of the 12th Light Dragoons, saw all the service in which that good regiment was engaged in the Peninsula; and with it bore himself gallantly at Waterloo, where his cousin, Esme Stuart Erskine (Lord Erskine's third son), on the Headquarter Staff, fell severely wounded,—losing an arm—at the Duke of Wellington's side.

"Nature teaches beasts to know their friends." She extends her instructions, also, to young children. The love which all children had for Mr Erskine at first sight was one of the most striking peculiarities connected with him; and is only one of the strong proofs of his gentle nature that might be adduced. Long after he had become a great and busy man—it is related—a lady of their acquaintance had occasion to "exhibit" to her little girl a cup of that most popular but nauseous remedy, "senna tea," the terrors of which the present generation of young people know nothing of. A strong bribe was necessary. The sufferer—as in the case of another damsel—was somewhat rashly promised "whatever she should ask." The stuff was taken, and fulfilment claimed. The invalid, after due comparison of good things, thought she should like,—rather than the possession of doll,

[1] Henry David, 12th Earl, died in 1857. Some time ago a pretty little chapel and monument were erected at Broxburn by Caroline, Countess Dowager of Buchan, to her husband's memory. The following is the inscription, from the pen of Dean Stanley :—

"In memoriam Henrici Comitis de Buchan xii. indole simplici benignâ, generosâ, æqui servantissima insignis conjux vidua, semper mœrens dulcissimæ consuetudinis non abolescentæ gratiâ anno xx. post obitum ejus hoc monumentulum ponendi curavit."

or gun,—"that Mr Erskine should be sent for to play with her."

Closely connected with this feeling, or instinct—which you will—is the *opinion*, amounting to perfect confidence, which every animal had of Mr Erskine. This property—whatever the explanation of it may be—of attraction for animals, is one that is very apparent in certain of Henry Erskine's descendants. In presence of these, the uncharitableness of the most snappish cur, or malice of the most misanthropic ape, drops powerless. "Who can tell what just criticisms Murr, the cat, may be passing on us beings of wider speculation?" says George Eliot. "We know not what means she, Murr, may have of judging." Lord Buchan used to relate how, at Ammondell, a very imperfect ass which used to appear every morning at the dining-room window, began to develop into a most amiable donkey in Mr Erskine's hands, by help of perseverance, warm tea, and breakfast-rolls. Lord Erskine's ideas regarding the lower animals are well known. Without a doubt he was more proud of his connection with the Act of Parliament relating to Cruelty to Animals than of many more brilliant incidents in his career.

His theory as to the higher qualities of animals,[1] it is believed, Henry Erskine held with equal sincerity.

[1] The Lord Chancellor's lines on "Jack," the pony that carried him on his journeys on the Home Circuit, are well known. In a letter (14th December 1814) to his brother Lord Erskine wrote the following verses, which, it is believed, have never been printed. He says—

"Over the page are my lines to POOR PHOSS, which was an abbreviation of "Aldeboronte*phoss*cofornio" in *Chrononhotonthologos*. The good dog, however, had no burlesque belonging to him, but, on the contrary, was the most sagacious and affectionate being ever created. He lived to the age of 20. Poor Mrs E. was very much attached to him,—

"Dear honest Phoss,
Ah! what a loss
To us 'twill surely be,
When death one day,
And soon he may,
Shall lay his hand on thee.
Upon thy bier
We'll drop a tear,
But still on hope depend
That worth like thine,

So the years ran on of a quiet life, the hospitable doors of Ammondell, ever open to receive the guests, no matter from what country abroad,[1] or of what party or clique at home, who by taste and culture were capable of appreciating the gentle life which was the characteristic of this most attractive household.

The three brothers at this time were absorbed in country pursuits, and looked on, with what philosophy they might, at the course of public events. Thus, in 1813, the ex-Lord Chancellor wrote to Lord Buchan:—

"My dear brother, nothing is more beautiful than a walk under cedars; and at 24 feet apart, I have no doubt you will live to see them meet, as when once rooted, they grow very fast; and tho' you do not grow now, you are *well rooted for removing, when you are;* the fruit of private life instead of the stupid anxieties of the political world."

In 1815 there is a long letter beginning as usual, "My dear Harry," written at this time by his old friend and correspondent Sir Thomas—now become Lord Dundas; the subject, however, is no longer politics, but one as interesting to Mr Erskine now, as any affair of State—namely, the proper mode of preparing Roman cement; which is gone into with the same precision and detail as were wont to be bestowed on the India Bill: he concludes, "Mr Stephenson, (*sic*) the engineer who built the Bell-Rock Lighthouse, can tell you its merits."

By power Divine,
To life must re-ascend.
Perhaps in other form
(For man is but a worm)
Thy faithful heart shall beat;
Or as a spirit fair,
Swift gliding thro' the air
Thy much-loved mistress meet.

"I have Phoss's remains at Hampstead in a leaden coffin. Although the poet is entitled to his license, yet I never could find anything in the Christian Scriptures which forbad the belief of a future state to animals; indeed, when one observes so many titles to happiness existing in some of them, I should tremble for my own immortality if I could believe that, upon death, they perish for ever. . . . ERSKINE."

[1] The Princess Dashkoff was one of these strangers, and gave Mr Erskine no little trouble with her autocratic treatment of her servants.

Amongst other promises held out, a peerage was offered to Mr Erskine. It was understood that he should be Baron Ammondell. A letter from Lord Erskine about this period, contains the expression that the peerage is the only thing now for Harry to look to. This hope proved as vain as the others.[1]

It would appear that even thus late in the day, Mr Erskine and his friends continued to believe that there was something of sincerity in the Prince Regent's professions, for the old story is told over again at this time. It had been thought that the dignified office of Lord Clerk Register, which was expected to fall vacant, would be a not unsuitable reward for this faithful public servant. Lord Erskine, however, writes to Mrs Erskine, expressing the utmost vexation at the post having been conferred on Colquhoun: "Everything possible was done," he says. "Adam had in the kindest manner laid the ground, and the Prince had not forgotten Harry, and, as Macmahon told me, most unwillingly relinquished the object; but Lord Liverpool had promised the Duke of Buccleugh, and before Lord Frederick[2] was cold in his bed, Lord Sidmouth was sent from Lord Liverpool to claim it. . . . There seems literally to be a spell upon our family; arising, however, from our continuing, after the death of Fox, to be connected with men who assume the name of a political party, but by their folly have ruined their . . . country along with themselves."

The complaints about this appointment were general. Robert Dundas writes to Chief-Commissioner Adam from Bath, 21st March 1817: "When I saw Colquhoun's appointment was determined on, I urged a joint appointment to him and Henry

[1] There is still preserved in Lord Erskine's family a handsome topaz in the form of a seal. It was the gift of the Prince of Wales to the Lord Chancellor. The stone is uncut; this was at the express desire of his Royal Highness, who stated at the time that it was his intention to add to his adherent's honours an *Earl's coronet*, which he hoped to see engraven on the stone,—which remains a witness to the truth of one text of Scripture.

[2] Lord Frederick Campbell, Lord Clerk Register, third son of the Duke of Argyll, died June 1816, aged 87.

Erskine, not only on account of the latter, but that the nomination of a man so generally beloved and respected, and of such rank and family, would take off part at least of the odium so generally attached to the nomination of Colquhoun alone."

Charles Hope from Dawlish writes in high anger on the same subject; as does Mr Adam from Blair Adam.

Lord Erskine, on 5th September, wrote: "A certain person is so completely changed, so arbitrary, and so determined to carry his government with a high hand, that I verily believe he hates every one not prepared to worship any golden calf that Nebuchadnezzar might set up, and he has taken no one step whatever,"—meaning, obviously, in Mr Erskine's behalf.

"But," writes his son, "patronage and neglect were now very soon to become alike indifferent to him. About a week before his death, he sent for his neighbour and old opponent, but intimate friend, Lord Meadowbank, and entrusted to him the task of procuring some provision for his widow. He was not long very seriously ill; his daughter Harriet and his grandchildren of the Callander family were staying at Ammondell when his summons came. Lord Hopetoun, when he heard of his danger, came and sat some time by his bedside. He saw, I believe, no one after that but the physician, his daughter, and his wife.

"The bright fancy was quenched, and the kind heart ceased to beat on the 8th of October; and Dr Simpson, minister of Kirknewton, uttered the last prayer beside him, and attended his remains to their resting-place in the vault of Uphall Church."[1]

Thus passed away the man who was, with little of exaggeration, declared by a noble speaker in the House of Lords to have been "the best beloved man in Scotland."

The Earl of Buchan, in his grief for the loss of his brother, in a manner characteristic of himself, but not the less real,

[1] Six years after Lord Erskine was buried in the same place; within a few yards of the scene of their first studies, quarrels, and brotherly love.

finding his own language inadequate for the expression of his feelings, had recourse to that of Cicero, and exclaimed—

"Mihi quidem frater meus, quanquam nunc ereptus, vivet, tamen, semperque vivet; virtutem enim amavi illius fratris, quæ extincta non est. Nec mihi soli versatur ante oculos, qui illam semper in manibus habeo, sed etiam posteris erit clara et insignis! Equidem ex omnibus rebus, quas mihi aut fortuna, aut natura tribuit, nihil habui, quod cum amicitia fratris mei possim comparare."

Long afterwards Mrs Archibald Fletcher wrote in her diary, regarding the sorrow of her friend, Mrs Erskine: "Last night was the anniversary of the day Mr Erskine died, and my friend, who is a great observer of seasons, is much depressed by the sad recollections of that event. She is pious and amiable in no common degree; but oh! she is desolate. She has no children. . . . I grieve for her want of objects on whom to dwell with joy and thankfulness."[1]

Lord Erskine, it will be believed, was not less sincere in his regret. Certain lines, which commended themselves to him as appropriate, when a kindly reference was made to his brother's memory by Lord Jeffrey, may claim a record here from that circumstance, rather than from any remarkable excellency of the piece.

"Why are the harps of mightier bards unstrung,
Whose proudest strains were graced in sounding here?
And why, O Erskine! is thy requiem sung,
In verse less glorious than thy bright career?
In verse that needs thy name to bid it live
With borrowed fame, no verse to thee can give?
And yet, how bootless 'twere of thee to speak,
Unless to tell of theirs and Scotia's pain,
Since all who knew thee, know, too well, how weak
Were learning's laud, or fancy's fondest strain:
How weak were all, but language like thine own,
And who is left that boasts its magic tone?

[1] *Autobiography*, p. 160.

Mute be the muse; the tongues of all will tell,
With busy fondness, that the eye is closed
Which spake persuasion wheresoe'er it fell,
Ere its sweet wile the silver tongue disclosed,
And hushed those words, which seemed, to fancy nigh,
To drop like stars from an o'ercrowded sky.
And cold the heart which kindled every word,
Or raised in justice or in freedom's cause;
Or gaily sparkling at the social board,
Where thou wert still the light of all that was.

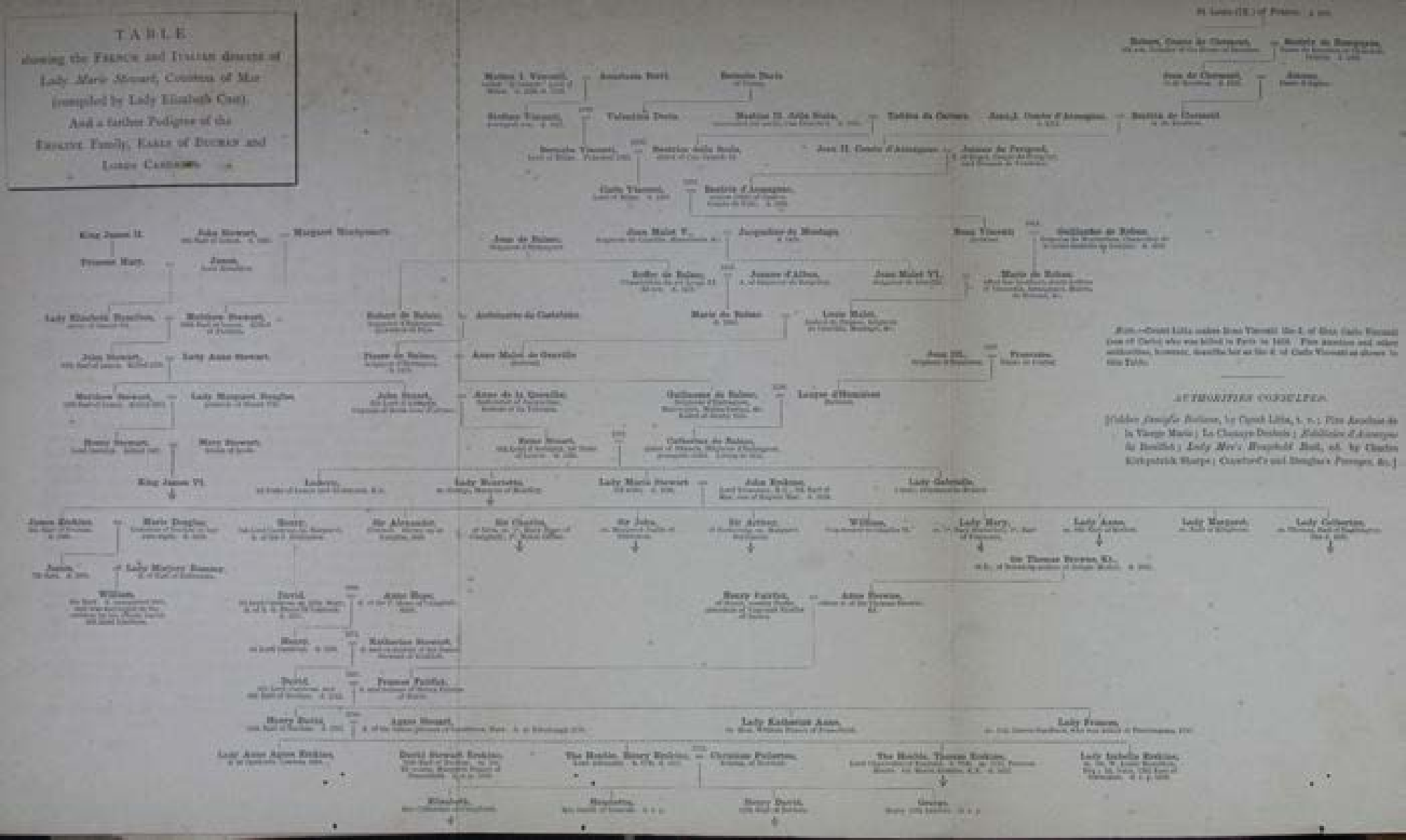
. . . . . .

There be, of giant power, and giant deed,
Shall want a tear their blighted sod to steep;
But oft shall crowds, admiring crowds, succeed
By thine to linger, and applaud, and weep.
No sculptur'd marble need thy story bear,
Enough for fame, that ERSKINE's buried there!"



TABLE

showing the French and Italian descent of Lady Marie Stewart, Countess of Mar (compiled by Lady Elizabeth Cust). And a further Pedigree of the Falaise Family, Earls of Buchan and Lords Cardross.



Note.—Count Lilla makes Rose Visconti the I. of Gian Galeazzo Visconti (son of Carlo) who was killed in Paris in 1408. This question and other difficulties, however, dissolve her as the II. of Carlo Visconti as shown in this Table.

AUTHORITIES CONSULTED.

[*Visconti Famiglie Italiane*, by Count Litta, t. v.; *Vita Amedeus de la Visconte Maria*; *La Chronique Desbois*; *Bibliothèque d'Armagnac de Dorillot*; *Lady Mar's Household Book*, ed. by Charles Kirkpatrick Sharpe; Crawford's and Douglas's Peerages, &c.]

APPENDIX.

No. I. (Page 8.)

French and Italian Pedigree of the Erskines.

It will be observed from the annexed pedigree that Catherine, first Duchess of Lenox, was great-granddaughter to Louis Malet Seigneur de Graville, and his wife Marie de Balsac. Two generations back from this couple, the family history shows the junction of two very illustrious lines in the marriage, in 1414, of Bona Visconti, of the splendid house of Milan and Parma, with Guillaume de Rohan, Seigneur de Montaubon, a scion of a French family, worthy to mate with the ducal house of Lombardy.

The foreign portion of the pedigree here given is intended to show the inheritance which the Buchan Erskines and several others of their connections in Scotland, and elsewhere, have in names which carry one back to the most picturesque period of Italian history, and the romance of medieval times. For instance, the Can Grande I., della Scala of Verona, mentioned in the table, was that Prince of Verona whose Court is said to have been the most magnificent of the age in Italy, but who behaved so scurvily to Dante when the poet was in exile from Florence, and sought refuge with him, ordering—so the story goes—a pile of bones to be placed at the poet's feet while he sat at table; to whom Dante replied, referring to his host's title of the "Great Dog,"—"*Messere, voi non vedreste tant' ossa se cane io fossi.*"[1]

The rapacity and tyranny which the Visconti family exercised over the north of Italy in the middle ages is well symbolised by their strange armorial device (p. 42) which is thus blazoned,—"Argent, a Serpent writhing in pale Azure, devouring an infant Gules."

This bearing was said, in medieval times, to have been taken from the device borne by a Saracen whom Otto Visconti overcame in single combat, in the Holy Land. The flag of the Viscontis,[2] with

[1] See *Dante at Verona*, by Dante Gabriel Rossetti.

[2] Comp. *Celebre Famiglie Italiane*, by Count Litta: Milan, 1819, t. v. Also *Tasso*, c. i. st. 55; and Dante, *Purgat.*, c. viii.

this suggestive figure, became famous during the wars in Northern Italy, and waved over the walls of Verona when the della Scala family, or Scaligeri, were at last overcome by the victorious Viscontis. The ravenous serpent is found repeated upon the coinage struck by the Viscontis, Lords, and Dukes, of Milan. In process of time this famous but ill-omened escutcheon found its way to Scotland, conveyed thither by Esme Stuart and his children, the right to bear it having descended to the latter as the successors of Catherine de Balsac. After her time, and so lately as 1722, Nisbet writes in his *Heraldry* (p. 196, ed. of 1718) that the arms of Catherine de Balsac were very frequently seen in Scotland, displayed at funerals. Her coat of arms is correctly blazoned by Nisbet; but in this case he does not give, as he invariably does, the names of the families for which the different quarterings stand, nor does he mention the meaning of the "Serpent gliding in pale vomiting a child *Gules*," which the Duchess of Lenox bore on an escutcheon, "over all." It is probable that Nisbet only knew these arms as pertaining to foreign heraldry, without inquiring into their origin, when he met with them on those solemn occasions when the prescribed "eight" or "sixteen" coats were displayed by noble families.[1] Thus it will be seen that an interest in this famous coat-armour exists in several Scotch families, noble and gentle, to this day.

Also, it may be said, that among the many Scots travellers who have stopped to gaze with admiration on the beautiful tombs of the Scaligeri by the church of Santa Maria Antica, at Verona, with the constantly repeated figures of "ladders" and "great mastiff dogs," into the minds of very few has the idea entered that they themselves, possibly, were within "a measurable distance" of relationship to more than one of the illustrious men commemorated by the splendid marbles before them. Yet so the case has been unquestionably with many Scotch travellers of gentle blood,—as may be gathered from the accompanying "tree."

It would occupy too much space to describe here the probable origin of the Visconti arms: how in all likelihood it is not a "devouring Serpent" at all that is shown, but an image of the Prophet Jonah and the *bellua marina*, figuring the Resurrection, such as is found in the Catacombs of Rome;[2] on certain glass *patenæ* of early Christian times at Cologne (see p. xii); on sculptured stones at Dunfalandy and elsewhere in Scotland, of date, probably, some 700 years before the device was *again* brought to Scotland in the sixteenth century.

[1] See Rietstap's *Armorial Général*. Gouda: 1861.

[2] See *Roma Sotterranea*, Lond. 1869, p. 290 *et seq.* *Early Christian Remains in Scotland*, by Joseph Anderson, LL.D., 2d s., 1881.

No. II. (Page 38.)

Sir Thomas Browne's Daughter Elizabeth, and his Granddaughter, the Countess of Buchan.

The good old physician's daughter Elizabeth was the last of his children to leave the paternal roof, when she married Captain George Littelton, of Prince George of Denmark's Regiment of Dragoons, youngest son of Sir Thomas Littelton, Bart. She had been her father's companion, and attendant upon his literary labours, and had deserved his highest commendations, even before the period when

> "The king knighted the so famous *Brown*,
> Whose worth and learning to the world are known."

They ultimately settled at Windsor, where Major Littelton lived to a good old age. The following letter, from the favourite daughter of Sir Thomas Browne,—which, so far as I am aware, has never been printed,—will be read with interest, if only for the sake of her father, the worthy old philosopher of Norwich.

Mrs Littelton to her Niece the Countess of Buchan.

"Windsor, *Nov.* 17, 1704.

"Dear Madam,—I must beg the favour of you, that when you write you will please to say whither you did receive a letter from me, inclosed in one from my Niece Brigstock.[1] I think it was the beginning of this last summer; she guesses it did not come to your hands, and then we must both appear very faulty in not acknowledging your Ladyship's incouragement to write. I think it was in that I writ my Cousin Tenison's[2] invitation, if you come to England your whole family should be cordially welcome to her house at Canterbury. He proves a very good man, and would be truly glad to serve your Honor, or any of yours. I have intrusted him with some things; for, as I did write you in my last, my health is much gone; Mr Littelton much older and not so much to be depended upon. These things at Mr Brigstocks and here, I should be glad were kept safe for you. My two Cousin Tenisons are my Trustees, who will faithfully see to my Will's performance, but the

[1] Anne, sixth daughter of Dr Edward Browne (and granddaughter of Sir Thomas) married Owen Brigstocke, Esq., of Llechdenny, Co. Carmarthen, M.P.

[2] Dr Thomas Tenison, vicar of St Martin's, afterwards Archbishop of Canterbury, edited the first collective edition of Sir Thomas Browne's works. The elder brother of the Archbishop, Archdeacon of Norwich, married Miss Mileham, sister of Dame Dorothea Browne.

goods should be put somewhere by next midsummer, when my Niece goes to live in Wales, and perhaps may come as seldom to London as your honor. I hear they in Scotland have chosen better Commons than the last time. I pray God grant it may be so, and in England also; but I do not hear it is of use, not a Majority, 'tis to be feared, an infatuated Clergy the greatest part; and they and the Tr. . . . are well agreed. We had it in our power to put down the French King, but since all is quite contrary, may God grant that honor to the Northern Princes to help the Emperor and Elector of Hanover and all Europe, nay, the whole world, to their laws and liberties: *here* are them who will struggle hard for their Religion and Liberties.

"I hope God will keep you in all His merciful Everlasting Arms, Blessing your Noble family in all its branches.—With my most humble service to my Lord, I am, Madam, your very humble servant, E. L."

After the death of Sir Thomas Browne, several of his writings appear to have been mislaid. It was not till 1716 that the *Christian Morals* was recovered (after being searched for by Archbishop Tenison) and printed. Though much inferior to *Religio Medici* and *Urn Burial*, it is interesting as containing the first thoughts of many of his other works, and as the last of the author's writings.

Mrs Littelton had been with her father while he wrote this work, and had read it as it came from his pen. She was an executrix under her father's will, and it may be supposed spoke the sentiments of the family when she composed the following dedication of *Christian Morals* to the husband of her niece, Frances Fairfax:—

To the Right Honourable David, Earl of Buchan, Viscount Auchterhouse, Lord Cardross and Glendovachie, one of the Lords Commissioners of Police, and Lord Lieutenant of the Counties of Stirling and Clackmannan, in North Britain.

"My Lord,—The honour you have done our Family obligeth us to make all just Acknowledgements of it: and there is no form of acknowledgement in our power more worthy of your Lordship's Acceptance than this Dedication of the Last Work of our Honoured and Learned Father.

"Encouraged hereunto by the Knowledge we have of your Lordship's Judicious Relish of universal Learning and sublime Virtue, we beg the favour of your Acceptance of it, which will very much oblige our family in general, and her in particular who is, my Lord, your Lordship's most humble Servant,

"Elizabeth Littelton."

No. III. (Page 104.)

EXTRACTS FROM A DISCOURSE ADDRESSED TO SOLDIERS BY ENSIGN THE HONBLE. THOMAS ERSKINE, 1ST ROYAL REGIMENT, AT ST HELIERS, JERSEY, DEC. 31, 1769. (1 Kings xx. 27, 28.)

"The sole end of preaching must be allowed by every rational inquirer to be principally directed and intended to enforce the principles of religion and morality, and amend the lives of mankind.

"It is much to be regretted that in the present state of our Church the principal object in most of our dignified Churchmen and religious authors seems to be the displaying their own critical learning and knowledge in composition more than the illumination and instruction of those committed to their care; entering into nice distinctions, double meanings and interpretations of abstruse doctrines, and forgetting the principal object of their profession—that of speaking to the feelings and understandings of their hearers, convincing them of the deformity of vice, and applying their superior talents and arguments in engaging them to enlist under the banners of *Virtue*, who has no respect of persons, but rewards impartially all her happy adherents.

. . . . . .

"A soldier should, therefore, above all men endeavour to discharge his duty to God and his neighbour in such a manner as that, if the fate of war should summons him suddenly from this world, he may be received by his Maker as a good man who died in the service of his country with a conscience void of offence. And if a man will cooly consider the dreadfull disproportion between the limited span of time and the endless never-ceasing ages of eternity, he will require no argument to convince him of what immense importance a virtuous life and conversation is, and will be, when the affairs of this world shall vanish like a dream, and he is called before the awfull tribunal of a just and Omnipotent Judge to answer for his works done in the body, whether they be good or whether they be evil.

"But above all, for the love of my country, for the success of her armies, let me inforce a religious, a just, an honourable life: for never did real bravery, never did true courage exist without it. Many, I confess, have a constitutional furious undaunted resolution, but that may, nay, has been known to fail: whatever depends upon the body is perishable; nothing is permanent but what has its rise from the soul—from real and steady principle.

"Nature has implanted in the breast of every living being a dread of death, and if we duly consider its dark and mysterious nature, it is not to be wondered at. There must, therefore, be

some more powerfull principle in the breast of a man to counteract that fear to enable him to smile in the face of the king of terrors, to enable him to be cool and master of himself in the heat of danger—the most essential quality in a good soldier. I know of but one principle that possibly can do it—must be religion: and what is religion? What is its power but the happy consciousness of having endeavoured to obey the laws of God, and of having discharg'd the duties of a station with honor? Nothing then can give that consciousness but morality, which is ever the consequence of true religion. A foolish trust and dependance on God where a man has no right will never do. Enthusiasm will not do. Religion, like a tree, must be known by its fruit—and that fruit must be good works."

BERWICK BEAUTIES. A BURLESQUE. WROTE WHEN QUARTERED AT BERWICK WITH THE ROYALS, 1768, BY ENSIGN THE HONBLE. THOMAS ERSKINE.

May my song soften as I *Rogers* hail,
Pride of her sex; and let the Muse bewail
With falling tear her lost poetic fire,
When charms like her's provoke her tuneless lyre,
To tell how *Rogers* foots it at the ball,
Or how she trips along the rampart wall.
How the soft nymph, from warlike *Barney* sprung,
Can charm with Berwick accents on her tongue—
For what her uncouth jargon can't express,
Her meaning eyes with ample truth confess.
When Eymouth virgins crowd the happy ball,
And black-eyed *Robinsons* adorn the hall;
When *Hilton's* goddess takes the chair of state,
And smiles benignly on her graceful mate,
Who, while she prudently conducts the ball,
Staggers along—and d—— the —— all.
Let not the Muse their beauteous offspring name
Midst such a motley crowd; great were the blame
To level lovely *Hester* with the rest:
Superior to them all she stands confesst.

Such are the nymphs that grace the weekly dance,
To please each soldier with some tender glance.
What tho' their miry walks each gown displays,
And their *splash'd* stockings mark the dirty ways;
E'en tho' a hole their lilly legs should bare—
A small mischance—hose can't for ever wear;
And Fate indulgent has not equal given
A plenteous *kitt*—such is the will of heaven.
Thus once each week the nymphs are in the sudds,
And ply the thread and wash, and mend, their *duddS*—
Most useful task. Hence let no son of war
At Berwick quarter'd dare their work to scar;

Let no rude visit on the week's last night
Dare to unveil them in such busy plight.
The nymphs would fly, while he all dark might grope,
And soil his scarlet in a tub of soap,
Well merited—for trying to defeat
The weekly rigging of a beauteous fleet
That cruise the ramparts, and with dazzling eyes
Each season take a military prize:
So fate has fix'd. Hence let no son of Mars
Look on their dressings and their charms as farce.

(*From MS. Volume.*)

No. IV. (Page 183.)

Letters of Lady Anne Erskine to Mrs Elizabeth Steuart of Coltness. (*From Coltness MS.*)

"Spa-Fields, *July ye* 11, 1792.

"My very dearest Aunty,— . . . . It is an excellent observation of a dear friend of mine, who I expect to be here soon for the supply of this chapel, '*Whatever* we do not see to be *in* the Lord we shall certainly seek for *out* of Him.' I have just been writing a few lines to him to fix the time of his being here, wch I was not well enough to do before. He lives in *North Wales*, a great way from this. He was the last person to whom my precious and beloved friend wrote, and the last person she named in this world, and the first who came for the supply of this chapel after her funeral, and the Lord was pleased to make him a great comfort to me. I told him I was sure the Lord would give him a double portion of His spirit when he returned home, and so indeed He did, for there was such a wonderful outpouring of the spirit on his congregation at Bala, on the 2nd Sunday in October, that the people cried out aloud for the Lord to have mercy upon them, and what must they do to be saved; this was in the evening, and by 9 o'clock at night there was hardly a house in the town in which the crys and groans of some person under conviction of sin was not to be heard, and the same awakening power fell at the same time on some little societies who were meeting for prayer, &c., in the neighbourhood. The effects it produced, and continued to produce for a considerable time, were wonderful, and he says in a letter he wrote—'If it continue but for a short time to come, as it has done for some time past, the kingdom of Satan will be in ruins in this part of the country.' I shall hear more when he comes to town. I hope you will receive the parcel safe wch I sent you. The

spectacles are new, tho' I had the mortification to drop some ink on the case by its lying on my desk for some time, while I waited for an opportunity of sending them. If they do not suit your eyes, return them to me, and I will get them exchanged. I wore them on *Easter Sunday*, a day never to be forgotten by me I hope on earth, and I am sure it never will in heaven, for the wonderful blessing the Lord pour'd out on my soul; I need not grudge a little sickness or sorrow when I consider how He fills my soul with His love, and with joy unspeakable and full of glory. O my dearest Aunty, I serve a good Master. I would not only walk in His ways, but *fly* in them if I could.—May He love you and bless you and keep you, is the prayer of your ever dutiful and affec^t^ and most affec^t^ niece. A. A. ERSKINE."

"CROWN INN, READING, BERKS, *July 20th* 1793.

"MY VERY DEAREST AUNTY,— . . . As I never stir over the door, seldom even for a walk, you will naturally wonder what should lead me to Goring. I answer, *He* led me there, without whom I would not step over the threshold of the door if I knew it out of His will. But He has done great things for poor Goring, wch is a place so noted for wickedness, that I am told it was a common saying in Berkshire that 'there was but a sheet of brown paper between Goring and hell;' and now the Lord has some very precious people there. It is ab^t^ 4 years since one of my precious friend's ministers has been there; and many are the seals the Lord has given to his ministry there and in the neighbouring villages. I like to beat the devil on his own ground, and through storms enough the Lord has given me the victory, and I have been down to the opening of the chapel there, which is just finished. My direction from the Lord was *so express to go* that I could have no doubt of it, and He has indeed given me a most prosperous journey in the will of the Lord. I set out about 7 o'clock on Tuesday morning, and took two very lively able ministers, and Mrs Durie, in the coach with me; changed horses several times on the road as the weather was violently hot (and a merciful man is merciful to his beast), and arrived at Goring about 10 o'clock at night. The chapel was opened next day, and we had service in it 3 times—*i.e.*, morning, afternoon, and evening, and a large lively congregation, very many of them newly awakened souls, and on Thursday evening I had the Gospel trumpet blown around the neighbourhood; for I had sent down some young soldiers of Jesus Christ from the college (wch is now in Hertfordshire about 14 miles from London), and I had it given out in the chapel on Wednesday evening that there would be preaching at all the different villages in the neighbourhood, and sent a minister to every one of them;

and on Friday afternoon I left Goring and came as far as Reading on my way home, where I slept, and began this letter in the morning before I set out, but being Saturday (wch I did not recollect) and no post to London, my haste to send it was in vain, so I brought it to town with me, where the Lord has brought me in peace and safety on Saturday night at nine o'clock.

"I could tell you some pleasant anecdotes concerning Goring and my journey there, but my 5 days' absence from London leaves me so much business to settle on my return, and so many letters to dispatch, that I dare not venture to begin my history to you lest I should be interrupted in it, and miss sending your letter in good time. . . . your dutiful and most affec^te^ niece,

A. A. ERSKINE."

"The *supposed* cause of my complaints were too much application to business, living too low, and taking too little exercise. As to the last, I believe it may be true enough; but as to the two first, I believe not a word of it,—for I am well convinced that diligence and temperance never hurt anybody. I only wish, if it was the Lord's will, that I was ten thousand times more diligent than I am. Anney Lesslie used to say, '*Na, positeevly*, my, dear, you are just killing yoursell,—eating just nathing at a', and drinking a drop sma' beer. If ye would do as I do, walk aboot a' day and see your friends, and drink porter, and twa or three glass's of good *port wine*, after your dinner and supper, ye would be very weell.' I said, 'I wish, Anney, my Aunty Betty was at your elbow: she would give you a good dressing for your advice;' but Anney was not convinced, nor I either; so I continue to go on just as I did,—and tho' I am not well, I am, upon the whole, considerably better; and when the weather permits I take a walk in the fields, and find that my way of living agrees with me better than any other. If health is best for me, I shall have it; and I believe I shall. One thing I know, that we are never so happy as when we leave ourselves *wholly* in *His* hands who does *all* things *well*. A. A. E."

No. V. (Page 335.)

Correspondence between the Hon. Henry Erskine and several Members of the Faculty of Advocates.

"*To the* Members *of the Faculty of* Advocates *not resident in Edinburgh.*

"Princes Street, *Dec.* 2 [1795].

"Gentlemen,—The distance of your residence, and my ignorance of the proper address to many of you, obliges me to take this method of communication.

"I yesterday received a letter from the following gentlemen, Members of the Faculty: John Pringle, Esq.; Allan Maconochie, Esq.; Neil Fergusson, Esq.; Robert Craigie, Esq.; Charles Hope, Esq.; James Oswald, Esq.; David Hume, Esq.; and David Boyle, Esq., Advocates.

"Of which Letter the following is a copy:—

'Edinburgh, *Dec.* 1 [1795].

'Sir,—It gives us very great pain to find ourselves called upon, by the sentiments we entertain of what becomes us as good subjects, to transmit to our brethren a letter, of which a copy is enclosed. But we should feel still more unpleasantly if we were not persuaded you have too much candour not to ascribe this measure to its true cause, and believe that, in point of personal regard, we remain your friends and well-wishers.'

(Signed by the eight gentlemen named above.)

"The following is the circular Letter referred to in the above:—

'Edinburgh, *Dec.* 1 [1795].

'Sir,—We take the liberty of addressing you, as a Member of the Faculty of Advocates, upon a matter which appears to us very nearly to concern the reputation of that learned and honourable body; we mean the election of the person who shall preside over them as Dean for the ensuing year.

'It will, Sir, be obvious to you that sentiments and principles of the Members of the Faculty, relative to those great national and constitutional interests which, unhappily, have for some years been so much the subjects of anxiety to all loyal citizens, must, in a great measure, be judged of from the conduct of the person who,

by their annual and voluntary choice, is raised to the high station of head of the Bar, and of their Society.

'In this view, with which we are strongly impressed, we beg leave to press it on your serious attention whether the late political conduct, and public appearances, of the present Dean of Faculty, on occasion of the Bills now depending in Parliament, for the better preventing of seditious assemblies, have been such as merit their approbation, or render him the most proper person that can be found in the Faculty, to represent them to the world, and to sustain their character of attachment to the laws and constitution of their country.

'The Lord Advocate has been proposed by a great number, as a person who, in this, and in all respects, is fit to be confided in, and worthy of the honour; and, hoping that, along with us, you may view him as a proper successor, we request your presence on the day of election, which is the 12th day of January next.—We are, Sir.'

(Signed as before.)

"And the following is my ANSWER to the above-recited LETTER:—

'EDINBURGH, *Dec.* 1 [1795].

'GENTLEMEN,—I have this moment received your letter. Whatever sentiments I may entertain of the political motives it avows, I am bound to acknowledge the personal kindness it expresses towards myself. The propriety of making the communication, *after* having canvassed many of the Faculty (a fact to which I am no stranger) I leave to your own feelings.

'I had the honour (and I reckoned it the highest honour of my life) to be elected Dean of the Faculty of Advocates, at a time when, along with several of those who now compose his Majesty's Cabinet, I opposed the Administration of Mr Pitt, on principles of which it is my greatest pride to reflect, that no view of personal interest, no fear of personal consequences, have ever induced me for a moment to swerve. The utmost interest of Government was exerted to defeat my election; but the Faculty were free and independent. Their spirit resisted undue influence, and I was placed at your head by a decided majority.

'It would be presumption in me to say that my conduct ever since has deserved your approbation; but to what else can I impute your having, ten successive years, re-elected me *unanimously* to the same honourable situation?

'I am bound to give you credit for the motives which you say have induced you to take a step unprecedented in the annals of the

Faculty. I was originally elected in consequence of personal solicitation. It would have been arrogance in me to have expected to attract your choice, without my expressing the honourable ambition I felt to preside amongst you. I shall not now descend to solicitation. To the Faculty, my character, my conduct as a gentleman, as a brother, are known. If a majority of your number, departing from the uniform sentiments of our body, to exclude political discussions and considerations from amongst us, shall withdraw from me their suffrages at the ensuing election, I may regret; but I am proud to say, the *cause* of their doing so, I shall ever reckon my highest honour.

'Descended from ancestors whose exertions contributed to bring about the glorious Revolution, which secured the liberties of my country, which placed the present illustrious family on the throne, and the principles of which, I trust, shall preserve it there to the latest posterity, it is my pride and glory to have come forward at this alarming period to preserve those liberties from invasion: to have done so, along with many of the most noble and illustrious characters in the kingdom, alongst with the united voice of all the public bodies, and the great mass of the inhabitants of the metropolis of the nation, and of the great majority of its counties and cities; but, above all, with the unbiassed, the uncorrupted dictates of my own conscience.

'If such conduct resulting from such motives unfits me, *in your opinion*, any longer to fill the chair of the Faculty, you will act as you see fit. If such shall be the opinion of the majority of my brethren; if they are determined that there shall no longer be amongst us freedom of political opinion; if party prejudice and violence are to usurp the place of moderation, of personal respect, and of private friendship,—I can only say, that such was not the Faculty of Advocates when I was first honoured with the situation I now enjoy. To have received it was a high honour. I shall consider it as still a higher honour to lay it down. For, in my opinion, the highest honour that can be enjoyed by a virtuous mind is—the reflection of having allowed no personal consideration to stand between it and the firm, manly, and independent performance of public duty.—I am, &c., HENRY ERSKINE.'

(To the Eight Advocates.)

"I feel myself called upon, in justice to myself, to communicate these letters to you. I submit the sentiments therein contained to your judgment and feelings, and that manly and independent spirit which has hitherto characterised the Faculty of Advocates, trusting that the period of its extinction is not yet arrived.—I have, &c.,

"HENRY ERSKINE."

[A letter in terms nearly identical with the last paragraph of the above was forwarded on the same day to Mr Arch. Fletcher, and doubtless to the other friends of Mr Erskine.]

"EDINBURGH, *Dec.* 2 [1795].

"SIR,—We have had the honour of your letter in answer to ours of yesterday.

"We do not intend to enter on any detailed justification of the measure to which, not without much reluctance, we have found ourselves constrained to resort. If it be, as you say it is, an unprecedented measure, it is at least not more so than that situation of the country and those proceedings, sir, on your part as Dean of Faculty which have given occasion to our interference. But our brethren of the Faculty, and the public at large, are fully acquainted with those circumstances of your behaviour at the Circus, and at the previous meetings,[1] upon which our resolution has been grounded, and they will judge between us, probably with very little regard to any encomium which we might chuse to pass upon ourselves respecting the purity of our motives, and the tendency of our line of conduct.

"There are but two things in your letter to which we think it necessary to reply. The one is a misconception which runs throughout it: as if the matter at issue between us were a matter of *politics* (in the vulgar sense of the word), or of attachment to this or t'other set of men, as candidates for public favour and preferment.

"Sir, we solemnly declare to you and to our brethren of the Faculty, that it is no such mean question. The interest now at stake is nothing less than this, Whether the happy government and constitution of these realms shall stand or fall? And what our brethren have to consider is, Whether it be consistent with their honour, or their duty, that the Dean of the Faculty of Advocates—that body which ought to be the firmest bulwark of the laws—should act the part of a demagogue in agitating the ignorant and giddy multitude, and cherishing such humours and dispositions as, in our opinion, directly tend to overturn them? To those of the

[1] At the meeting to which exception was especially taken—namely, that at Sommer's Tavern on Saturday 28th November—the chairman was Mr Mansfield of Midmar; while the resolutions were moved by Mr Erskine.

"Copies of the petitions to his Majesty, to the House of Lords, and to the House of Commons will be lodged early on Monday morning, for the signatures of the inhabitants, at the CIRCUS, head of Leith Walk."—*Caledonian Mercury.*

An opposition meeting was held on Monday, the 30th, at the Merchants' Hall, when ten resolutions were approved in favour of the Bills being passed for "a limited time;" but no allusion was made to the war.

body who are in town, the part you have taken on occasion of the bills now depending in Parliament for the prevention of such calamity is sufficiently known. Those who reside in the country will, it is hoped, take the trouble of informing themselves before they decide; we leave it to them to recollect the truth, not from our report, but from their own inquiries, which we doubt not will do justice, both to us and you.

"The other point to which we shall reply is a reflection on our own personal conduct in the management of this opposition to you. Before engaging in any general canvass of the members of the Faculty, either in or out of town, we no doubt thought it proper to converse upon the subject with such of our brethren whose sentiments and principles on political subjects we knew to coincide in general with our own, and to assure ourselves of their approbation of the measure which we had in view. And in this we cannot imagine that anything was done either improper in itself or unworthy of our character as gentlemen, or of the cause in which we are engaged. Certainly it would have been equally arrogant and absurd for us to have obtruded such a proposal on the Faculty without previous trial of the disposition of those gentlemen with respect to it. But from the time when a general canvass was resolved on, we also saw the propriety of acquainting you with our purpose; which resolution was accordingly executed by the letter which we had the honour of dispatching to you nearly twelve hours before a letter was delivered to any other gentleman at the Bar.

"We have only to add that here the correspondence between us ends. We have fairly brought the matter before the Faculty, and it belongs to them, and not to us, to judge of what is necessary for the vindication of their honour. We have no desire to publish a pleading, or manifesto, to the world on this subject.—We have the honour to be, respectfully, your very obedient most humble Servants,"

(Signed as before.)

"EDINBURGH, *5th December* 1795.

"*To the Faculty of Advocates.*

"GENTLEMEN,—I have received, and there has been printed and circulated amongst you, another letter from the eight members of the Faculty, whose former letter, with my answer, are already before you. They have desired that the correspondence between us should end, and have effectually secured this wish by writing to me in a tone and language to which my sense of what becomes me will not permit me to reply. It is to you, therefore, gentlemen, to your

justice and liberality alone, that I shall now address myself, leaving it to you to judge of the propriety of the opposition, and of *their* right when addressing *you*, to rest the safety of the Constitution and the existence of the State on the political views of the Administration to which they are attached; and not only to brand *me* with a design to overturn the laws, but to implicate in the charge the many distinguished characters, and indeed the great body of the nation, who have opposed the bills in question, as a dangerous and unnecessary innovation on the *existing* laws, and destructive of our *established* Government and Constitution.

"If, under this conviction, to have used my constitutional right to petition the Legislature: if to have joined in this measure with thousands of my countrymen, of every rank and description: if to have been unable to see, or yet to comprehend, the distinction attempted to be made between persons in my own situation, and what these gentlemen are pleased to term the ignorant and giddy multitude, as to the rights which the great charter of the British Constitution bestows on all *without distinction:* if to have concurred with some of the most respectable of the petitioners here, in occasionally attending to see the signatures of the great numbers who repaired to the place appointed for subscribing, fairly taken down: if, though well entitled to have stated to all of them my opinion of those bills, I left them to learn it from the petitions themselves: if, anxious to avoid any agitation in their minds beyond what their own feeling of the object might occasion, I, towards the close of the subscription (the only time I ever addressed them), commended their quiet and orderly behaviour, exhorted them to persevere in the same peaceable deportment, and thereby to give no person a pretence for throwing blame on the constitutional act they had then performed:—in short, if a conscientious feeling of what I conceive to be right—if a manly and independent declaration of my sentiments, without regard to personal considerations, shall meet with your disapprobation—and if an unabated regard for the interest and privileges of the Faculty, and a grateful sense of the honour you have for ten successive years conferred upon me, shall prove insufficient to preserve *your* esteem, I must submit to lose it; but, I thank God, conscious of having done my duty, I shall preserve *my own.* I know I shall retain that of many worthy members of our body; and I trust for the increased regard of the public to that candour, liberality, and generosity, that abhorrence of all persecution for opinions, which are the noblest features of the British character; and the certain destruction of which will, in my mind, be one of the dreadful consequences of the Bills I oppose.

"I have the honour to be, with the utmost gratitude and respect, Gentlemen, your most obedient and faithful servant,

"HENRY ERSKINE."

"Tuesday, 12th January, came on the election of the Dean of the Faculty of Advocates. The candidates were the Right Hon. Robert Dundas of Arniston, His Majesty's Advocate for Scotland, and the Hon. Henry Erskine of Newhall, the former Dean; when the Advocate was elected by a majority of 85, there having voted for his Lordship 123, for Mr Erskine 38."—See *Caledonian Mercury* of Jan. 14, 1796, where also the names of those who voted on either side may be found.

No. VI. (Page 363.)

"The Virtuous Number of Thirty-eight."

The following lines occur in a poem addressed, in 1814, to Mr Arch. Fletcher and his wife by Mr J. G. Lemaistre, author of *Travels after the Peace of Amiens*, who with his family came to reside in Edinburgh in 1813, and was introduced by Lord Erskine to his brothers and other friends. They contain a memory of the year 1796, and the most momentous event in Mr Erskine's life:—

> "The lawyer, whose unspotted name
> Virtue exulting gives to fame;
> The patriot, whom *no threat could bend,*
> *No bribe seduce to leave his friend*
> (*That friend, his country's proudest boast,*
> *By slaves assailed at Freedom's post*)."

Six years after this took place that famous entertainment, the public dinner given in honour of the return of Lord Erskine to his native country, after an absence of fifty years. On this occasion, after honour had been done to the memory of Henry Erskine, the health was proposed of—"the remaining individuals of that *virtuous number of thirty-eight*, the small but manly band of true patriots within the bosom of the Faculty of Advocates who stood firm in the support of the Honourable Henry Erskine, when he had opposed the unconstitutional and oppressive measures of the Minister of the day;" likewise, they drank to—"a continued increase of *Independence of spirit* and feeling of Patriotism in the Scottish Bar."

The reply by Mr John M'Farlan, one of *the thirty-eight*, was to the effect that he did not see why any of them "deserved thanks for loving and honouring *Henry Erskine:* had all the powers of earth"—he said—"been set against them, they must have continued to hold him to be the pride and ornament of the Scots Bar."—*Account of the Proceedings*, pp. 25, 26.

At that same time Mrs Fletcher wrote to her daughter: "We have been greatly complimented and congratulated by our friends on your father's appearance at the meeting in honour of Lord Erskine's arrival in Edinburgh. Miles [her son] says that when his father appeared on the platform there were thunders of applause, and his speech was much cheered, especially that part of it relating to his being one of *the thirty-eight* who had the honour of voting for the Honble. Henry Erskine when he was expelled from the Deanship of the Faculty of Advocates, because he presided at a public meeting held to petition against the continuation of the war."—*Autobiography*, p. 137.



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